

**THESE BYLAWS ARE NOT THE OFFICIAL RECORDED VERSION.
THIS COMPILATION IS FOR THE CONVENIENCE OF THE OWNERS.**

INCORPORATES AMENDMENTS RECORDED ON 6/20/2018 AT BOOK 7561, PAGES 2084-2087;
AMENDMENTS RECORDED ON 7/30/2020 AT BOOK 7887, PAGES 1375-1379; AMENDMENT
RECORDED ON 7/29/2022 AT BOOK 8290, PAGES 3897-3899; AMENDMENTS RECORDED ON 01/26/2024
AT BOOK 8511, PAGES 554-558; AND AMENDMENTS RECORDED ON 08/19/2024 AT BOOK 8597,
PAGES 2336-2338
(Bylaws 2.1, 2.2, 2.3, 2.4, 2.5b, 2.9, 3.2, 3.2b, c, e, 3.3, 3.4, 3.6, 3.10, 3.11, 5.6, 6, 6.1-6.7, 7.5,
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**SECOND AMENDED AND RESTATED BY-LAWS
OF
THE BAHAMIAN CLUB OWNERS ASSOCIATION, INC.**

1. **IDENTITY.** These are the By-Laws of THE BAHAMIAN CLUB OWNERS ASSOCIATION, INC., hereinafter referred to as the “Association”, a corporation not for profit under the laws of the State of Florida, the Articles of Incorporation thereof having been filed in the Office of the Secretary of State, State of Florida, on October 16, 1979. The Association has been organized for the purpose of administering the common elements of the Declaration of Easements, Covenants, Conditions, and Restrictions regarding THE BAHAMIAN CLUB, and such additions thereto as may be brought within the jurisdiction of the Association.
 - 1.1 The fiscal year of the Association shall be the calendar year.
 - 1.2 All owners, lessees, mortgagees, guests, invitees, and any other person who may use the facilities of THE BAHAMIAN CLUB in any manner shall be subject to these By-laws, the Declaration of Easements, Covenants, Conditions, Restrictions, and rules and regulations pertaining to the use and operation of THE BAHAMIAN CLUB property.
 - 1.3 Acquisition, rental, or occupancy of any unit in THE BAHAMIAN CLUB shall be sufficient to signify acceptance and ratification of the provisions of the aforementioned instruments and an agreement to comply therewith.
 - 1.4 The seal of the Association shall bear the name of the Association, the word “Florida”, the words “Corporation Not for Profit”, and the year of incorporation, an impression of which is as follows:
2. **MEMBERS’ MEETING.**
 - 2.1 The annual meeting of the members shall be held at the principal office of the Association or at such other suitable place convenient to the owners as may be designated by the Board of Directors, hereinafter “Directors” such date and time designated by the Directors, so long as the date and time of such meeting is not more than thirteen (13) months from the date of the last meeting of the members. Each annual meeting shall be held for the purpose of

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electing Directors and the transaction of any other business authorized to be transacted by the members.

- 2.2 Special meetings of the members shall be held whenever called by the President or Vice President or by a majority of the Board of Directors, and must be called by such officers upon receipt of a written request from one half of the entire membership.
- 2.3 Unless otherwise provided for by law, notice of all meetings of the members stating the time and place and the objects for which the meeting is called shall be given by the President or Vice President or Secretary unless waived in writing. Such notice shall be in writing to each member at his address as it appears on the books of the Association and shall be mailed not less than fourteen (14) days or more than sixty (60) days prior to the date of the meeting. Proof of such mailing shall be given by the affidavit of the person giving the notice. Notice of meeting may be waived before and after the meeting.
- 2.4 A quorum at the meetings of the members shall consist of 30 percent of the entire membership of the Association. The acts approved by the majority of the votes cast at a meeting at which a quorum is present shall constitute the acts of the members, except when approval by a greater number of members is required by the Declaration of Easements, Covenants, Conditions and Restrictions, the Articles of Incorporation, or these By-laws.
- 2.5 **VOTING.**
- a. At any meeting of members, the owner of each unit shall be entitled to vote the number of votes as set out in Article III, Section 2 of the Declaration of Easements, Covenants, Conditions, and Restrictions for each unit he owns.
- b. If a unit is owned by one person, his right to vote shall be established by the record title to his unit. If a unit is owned by more than one person, or is under Lease, the person entitled to cast the vote for the unit shall be designated by a certificate signed by all of the record owners of the unit and filed with the Secretary of the Association. If a unit is owned by a corporation,

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the person entitled to cast the vote for the unit shall be designated by a certificate signed by the President or Vice President and attested by the Secretary or Assistant Secretary and filed with the Secretary of the Association. Such certificates shall be valid until revoked or until superseded by a subsequent certificate or until a change in the ownership of the unit concerned. A certificate designating the person entitled to cast the vote of a unit may be revoked by any owner of the unit. If such certificate is not on file, the vote of such owners shall not be considered in determining the requirement for a quorum nor for any other purpose.

- 2.6 **PROXIES.** Votes may be cast in person or by proxy. A proxy may be made by any person entitled to vote and shall be valid only for the particular meeting designated in the proxy and must be filed with the Secretary of the Association before any adjournment of the meeting. The holder of a proxy must be an owner of a unit.
- 2.7 **ADJOURNED MEETINGS.** If any meeting of members cannot be organized because a quorum has not attended, the members who are present, either in person or by proxy, may adjourn the meeting from time to time until a quorum is present. At any such subsequent meeting at which a quorum is present, any business that might have been transacted at the meeting as originally called may be transacted without further notice.
- 2.8 The order of business at the annual meetings of the members and as far as practical at the other meetings of the members shall be, as follows:
- a. Call meeting to order by President
 - b. Calling of the roll and certifying proxies
 - c. Proof of notice of meeting or waiver of notice
 - d. Reading and disposing of any unapproved minutes
 - e. Reports of officers
 - f. Reports of committees
 - g. Election of directors
 - h. Unfinished business
 - i. New business
 - j. Adjournment

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- 2.9 Anything to the contrary herein notwithstanding, to the extent lawful any action required to be taken at any annual or special meeting of members, or any action which may be taken at any annual or special meeting of such members, may be taken without a meeting, without prior notice and without a vote if a consent in writing, setting forth the action so taken, shall be signed by the members (or persons authorized to cast the vote of any such members as elsewhere herein set forth) having not less than the minimum number of votes that would be necessary to authorize or take such action at a meeting of members at which a quorum of members (or authorized persons) entitled to vote thereon were present and voted. Only one vote or polling may be taken under this Section 2.9 on any given proposal. The proposal either passes or fails on the first and only ballot. Within ten (10) days after obtaining such authorization by written consent, notice must be given to members who have not consented in writing. The notice shall fairly summarize the material features of the authorized action.

3. DIRECTORS

- 3.1 Membership. The affairs of the Association shall be managed by a Board composed of five (5) Directors; the exact number of Directors to be varied only by amendment to these By-laws.
- 3.2 Election of Directors shall be in accordance with Florida Statutes 720.306 or 718.112(2), as may be amended from time to time and in the following manner:
- a. Election of Directors shall be held at the annual meeting of the members, or at a special meeting called for that purpose.
 - b. A list of all owners who have indicated an interest in serving on the Board of Directors shall be posted on the Association bulletin board ten (10) days prior to the annual meeting.

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- c. All Directors shall be elected for two (2) year terms; two (2) of whom shall be elected every even year and three (3) of whom shall be elected every odd year. All Directors shall be unit owners.
- d. The election shall be by ballot (unless dispensed with by majority consent) and by a plurality of the votes cast, each person voting to be entitled to cast his votes for as many nominees as there are vacancies to be filled. There shall be no cumulative voting.
- e. Except as to vacancies created by removal of Directors by the members, vacancies in the Board of Directors occurring between annual meetings of the members shall be filled by the remaining directors electing a unit owner to fill such position. Each person so elected shall hold office until a successor is elected at the next annual meeting of the members. No appointed Board member may serve beyond the next members' meeting unless duly elected at that meeting.
- f. Any member of the Board of Directors may be recalled and removed from office with or without cause by the vote of a majority of all the voting interests. A special meeting of the unit owners to recall a member or members of the Board of Directors may be called by one-half (1/2) of the entire membership, giving notice of the meeting as required for a meeting of unit owners, and the notice shall state the purpose of the meeting.
- g. There shall be fidelity bonding provided of all officers or directors who control or disburse funds of the Association in the principal sum of not less than \$50,000.00 for each such officer or Director. The Association shall bear the cost of bonding.

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- 3.3 A meeting of a newly-elected Board of Directors shall be held within ten (10) days of their election at such place and time as shall be fixed by the Directors at the meeting at which they were elected, and no further notice of the organization meeting shall be necessary. At such meeting, a President, Vice President, Treasurer and Secretary of the Board shall be elected by the Directors. The President shall preside over all meetings of the Directors. In the absence of the President, the Vice-President shall preside. In the absence of the President and Vice President, the directors present shall designate one of their number to preside.
- 3.4 Meetings of the Board of Directors may be held at such time and place as shall be determined from time to time by a majority of the Directors. Notice of regular meetings shall be given to each director, personally or by mail, telephone, electronic, or mobile forms of communication at least forty-eight (48) hours prior to the date stated for such meeting.
- 3.5 All meetings of the Board of Directors shall be open to all members. Notice of each meeting will be posted at the principal office of the Association at least forty-eight 48 hours before the meeting, except in the case of emergency meetings. Notice of any meeting in which assessments against unit owners are to be considered for any reason shall specifically contain a statement that assessments will be considered and the nature of such assessment.
- 3.6 Special meetings of the directors may be called by the President and must be called by the Secretary at the written request of the majority of the Directors. Not less than three (3) days notice of the meeting shall be given personally or by mail, telephone, electronic, or mobile forms of communications, which notice shall state the time, place and purpose of the meeting.
- 3.7 Waiver of notice. Any director may waive notice of a meeting before or after the meeting, and such waiver shall be deemed equivalent to the giving of the notice required herein. Attendance of any meeting by a Director shall constitute a waiver by him or notice of the time and place thereof.

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- 3.8 A quorum at meetings of the directors shall consist of a majority of the entire Board of Directors. The acts approved by a majority of those present at a meeting at which a quorum is present shall constitute the acts of the Board of Directors, except when approval by a greater number of Directors is required by the Declaration of Easements, Covenants, Conditions, and Restrictions, the Articles of Incorporation, or these By-laws.
- 3.9 Adjourned meetings. If at any meeting of the Board of Directors there be less than a quorum present, the majority of those present may adjourn the meeting from time to time until a quorum is present. At any adjourned meeting any business that might have been transacted at the meeting as originally called may be transacted without further notice.
- 3.10 The attendance of a Director at a meeting shall constitute the approval of that Director of the action taken at said meeting unless he has objected to the same during the meeting.
- 3.11 The order of business at meetings of the directors shall be as follows:
- a. Call meeting to Order by President
 - b. Calling of the roll
 - c. Proof of notice of meeting or waiver of notice
 - d. Reading and disposal of any unapproved minutes
 - e. Reports of Officers
 - f. Reports of Committees
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4. **POWERS AND DUTIES.** The Board of Directors shall have the powers and duties necessary for the administration of the affairs of the Association and may take all acts, through the proper officers of the Association, in executing such powers, except such acts which by law, the Declaration, the Articles or these By-laws may not be delegated to the Board of Directors by the unit owners. Such powers and duties of the Board of Directors shall include, without limitation (except as limited elsewhere here), the following:
- a. Operating and maintaining the Common elements.
 - b. Determining the expenses required for the operation of the Association.
 - c. Collecting the Assessments for Common Expenses from unit.
 - d. Employing and dismissing the personnel necessary for the maintenance and operation of the Common Elements.
 - e. Adopting and amending rules and regulations concerning the details of the operation and use of the Association Property.
 - f. Maintaining bank accounts on behalf of the Association and designating the signatories required thereof.
 - g. Obtaining and reviewing insurance for the Association property and Common Elements.
 - h. Making repairs, additions and improvements to, or alterations of, the Association property and repair to the restoration of the Association Property, in accordance with the provisions of the Declarations after damage or destruction by fire or other casualty, or as a result of condemnation or eminent domain proceedings or otherwise.
 - i. Enforcing obligations of the unit owners, allocating profits and expenses and taking such other actions as shall be deemed necessary and proper for the sound management of the Association.
 - j. Levying fines against appropriate unit owners for violations of the rules and regulations established by the Association to govern the conduct of such unit owners.

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- k. At its discretion, authorizing unit owners or other persons to use portions of the Common Elements for private parties and gatherings and imposing reasonable charges for such private use.
- l. Exercising (i) all powers specifically set forth in the Declaration, The Articles and these By-laws, and (ii) all other powers of a Florida corporation not for profit.
- m. Suspending the right of any unit owner to vote or use the recreation facilities of the Association as long as said unit owner is delinquent in the payment of Common Expenses or is otherwise in violation of the Declaration or any exhibits thereto or applicable rules and regulations.
- n. To make expenditures for additional improvements or additional personal property that will be part of the Common Elements provided no sums in excess of Five Thousand Dollars (\$5,000.00) shall be expended for a single item or purpose without approval of the majority of the members.

5. OFFICERS.

5.1 The executive officers of the Association shall be members of the Board of Directors and shall consist of a President, Vice President, Treasurer and Secretary, all of whom shall be elected annually by the Board of Directors, and who may be preemptively removed by vote of the Directors at any meeting. Any person may hold two or more offices except that the President shall not also be the Secretary. The Board of Directors, from time to time shall elect such other officers and designate their powers and duties as the Board shall find to be required in the management of the affairs of the Association.

5.2 The President shall be the chief executive officer of the Association. He shall have all of the power and duties usually vested in the office of President of an association, including, but not limited to, the power to appoint committees from among the members from time to time, as he in his discretion may determine appropriate, to assist in the conduct of the affairs of the Association.

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- 5.3 The Vice President, in the absence or disability of the President, shall exercise the powers and perform the duties of the President. He also shall assist the President generally and exercise such other powers and perform such other duties as shall be prescribed by the Directors.
- 5.4 The Secretary shall keep the minutes of all proceedings of the Directors and members. He shall attend to the giving and serving of all notices to the members and Directors and other notices required by law. He shall have custody of the seal of the Association and affix it to instruments requiring a seal when duly signed. He shall keep the records of the Association, except those of the Treasurer, and shall perform all other duties incident to the office of Secretary of an association and as may be required by the directors or the President. The Assistant Secretary shall perform the duties of the Secretary when the Secretary is absent.
- 5.5 The Treasurer shall have custody of all property of the Association, including funds, securities and evidence of indebtedness. He shall keep the books of the Association in accordance with good accounting practices, and he shall perform all other duties incident to the Office of Treasurer as prescribed by the Board of Directors.
- 5.6 The Board Members and Manager shall be bonded in an amount of no less than \$100,000.00. The Association shall bear the cost of said bonding.
- 5.7 The compensation of the Manager and employees of the Association shall be fixed by the Directors. Any such employee or Manager shall comply with all governmental laws, ordinances, or otherwise, including but not limited to, all license and reporting requirements and it shall be the duty of said employee or Manager to confirm his or her compliance.

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6. **FISCAL MANAGEMENT.** In addition to “Good Accounting Practices” the following provisions are instituted to safeguard the Association’s financial assets:

6.1 **ACCOUNTS.** The receipts and expenditures of the Association shall be credited and charged to accounts by category as set forth in the chart of accounts of the Association’s accounting system.

- a. Income for the current year shall include all classes of receipts available to the Association property.
- b. Expenses for the current year shall include all properly authorized expenditures incurred as common expenses to the Association. Reasonable and necessary reserves shall be maintained and incorporated into all budgets.

6.2 **BUDGET.** The Treasurer with the aid of the Bookkeeper will hold a budget meeting in September to establish the budget for the next fiscal year and be presented at the next Board of Directors meeting. The budget shall detail all accounts and items of income and expenditures and determine the amount of Assessments payable by the unit owners to meet the expenses of the Association. In addition, the budget must include retained reserves of at least ten percent (10%) of assessments. This fund is for capital expenditures used to improve the common elements of the property.

The adoption of a budget for the Association shall comply with the requirements hereinafter set forth:

- (i) **NOTICE OF MEETING.** A copy of the proposed budget of Common Expenses shall be mailed and/or emailed to each unit owner not less than fourteen (14) days prior to the meeting of the Board of Directors at which the budget will be considered, together with the notice of that meeting indicating the time and place of such meeting.
- (ii) **SPECIAL MEMBERSHIP MEETING.** If a budget is adopted by the Board of Directors which requires assessments against such unit owners in any year exceeding one hundred fifteen percent (115%)

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of such assessments for the preceding year, as hereinafter defined, upon written application of ten percent (10%) of the unit owners, a special meeting of the unit owners shall be held within thirty (30) days of delivery of such application to the Board of Directors.

Each unit owner shall be given at least ten days notice of said meeting. At the Special Meeting, Unit owners shall consider the adoption of the budget. The adoption of said budget shall require a vote of owners of not less than fifty percent (50%) of all the units.

- 6.3 The depository for the Association shall be such bank or banks in the state as shall be designated from time to time by the Board of Directors, and in which the monies of the Association shall be deposited. Withdrawal of monies from all accounts shall be only by checks signed by two of the five Board Members of the Association. All sums collected by the Association from assessments or contributions to working capital or otherwise may be commingled in a single fund or divided into more than one fund, as determined by a majority of the Board of Directors.
- 6.4 No staff members including the Bookkeeper will have access, i.e. withdrawal or transfer of any monies to the Association's bank accounts.
- 6.5 No electronic transfers of Association's funds shall be allowed except as approved by a majority of the Board of Directors for specific governmental requirements, i.e. sales taxes.
- 6.6 The Treasurer with the assistance of the Bookkeeper shall hire an outside auditing firm to conduct the annual audit of the Association's accounts and the final report to be presented to the Board of Directors.
- 6.7 The Bookkeeper prepares all funds to be deposited and the Manager or Board Member shall physically deposit the funds.

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INCORPORATES AMENDMENTS RECORDED ON 6/20/2018 AT BOOK 7561, PAGES 2084-2087;
AMENDMENTS RECORDED ON 7/30/2020 AT BOOK 7887, PAGES 1375-1379; AMENDMENT
RECORDED ON 7/29/2022 AT BOOK 8290, PAGES 3897-3899; AMENDMENTS RECORDED ON 01/26/2024
AT BOOK 8511, PAGES 554-558; AND AMENDMENTS RECORDED ON 08/19/2024 AT BOOK 8597,
PAGES 2336-2338

(Bylaws 2.1, 2.2, 2.3, 2.4, 2.5b, 2.9, 3.2, 3.2b, c, e, 3.3, 3.4, 3.6, 3.10, 3.11, 5.6, 6, 6.1-6.7, 7.5,
7.6, 7.7, 7.12, 8 and 8.2)

- 6.8 The Association shall not enter into any loans for any reason unless approved by 75% of the Association.
 - 6.9 The Manager of the Association shall not have the ability to contract for more than \$1,000.00 without the majority vote of the Board.
 - 6.10 The bookkeeper shall report to the Board of Directors and is responsible to report any discrepancies at a recorded meeting of the Board.
7. **REGULATIONS.** The Board of Directors of the Association may from time to time make, adopt, amend, and endorse reasonable regulations respecting the use of the respective Association properties, and any property in which the Association owns an interest, and said rules and regulations shall implement the following general policies:
- 7.1 An owner of a unit shall pay all ad valorem taxes on his particular unit, whether assessed directly or assessed against the development as a whole, and prorated by the Board of Directors of the Association.
 - 7.2 An owner of a unit shall maintain his unit so that the unit or any other unit owner shall not be damaged by his neglect.
 - 7.3 An owner of a unit shall maintain all of the interior installations of the unit, including the maintenance of the water, light, gas, power, sewage, telephone, air conditioners and pans, sanitary installations, doors, windows, lamps, porch enclosures and other accessories belonging to the particular unit and not owned by the Association or covered by the insurance maintained by the Association.
 - 7.4 An owner shall not post any advertisements or posters of any kind in or on the project except as authorized by the majority of the Board of Directors.
 - 7.5 Residents shall ensure that noise emanating from their unit does not unreasonably disturb other residents between the hours of 10:00pm and 8:00am and does not violate city ordinances.

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- 7.6 Residents are prohibited from hanging items, with the exception of the American flag and holiday/seasonal decorations on balcony railings.
- 7.7 Owners shall restrict construction activities in and around their unit to the hours of 8:00am to 6:00pm, Monday through Saturday, excluding legal holidays.
- 7.8 It is prohibited for residents or their guests to park commercial vehicles, other than ordinary passenger cars, or trailers of a type used for hauling or moving, on the common property.
- 7.9 No owner, resident or lessee shall install wiring for electrical or telephone installations nor shall he install any type of television antennae, machine, or air conditioning units, etc. on the exterior of the project or that protrude through the walls of the roof of the project.
- 7.10 Only the owner may have small pets on the premises and they shall be on a leash at all times. The owner shall be responsible for cleaning up after the pet.
- 7.11 Roberts Rules of Order (latest edition) shall govern the conduct of the Association meetings.
- 7.12 Open Fires, Fireworks and Barbeques. Any open fires within the Bahamian Club are strictly prohibited. No burning of leaves, garbage, or debris is permitted anywhere on the Bahamian Club grounds. Fire pits and fireworks are not allowed anywhere within the Bahamian Club community. Barbeques, gas, charcoal or electric grills (hereinafter individually or collectively “grill”) shall not be placed on the top sundeck of the unit. Any grill must be placed in an open space so as not to cause any fires. The grill must be at least three (3) feet from the building and mansards. Fines will be imposed by the Bahamian Club’s Fining Committee as to the owner, guest, or other person initiating any prohibited activity. Any damages that occur from these activities, and any related legal fees and costs, will be paid by the owner, guest or tenant of the owner, and the Bahamian Club shall have the right to impose a lien against the Unit to secure payment of all such damages and legal fees and costs.

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8. **AMENDMENTS.** No amendments to the By-laws is valid unless recorded, with identification on the first page thereof of the book and page of the public records of Volusia County, Florida in which the amendment is recorded. No By-law shall be revised or amended by reference to its title or number only. Proposals to amend existing By-laws shall contain the full text of the By-laws to be amended; old words shall be stricken through and new words will be underlined. However, if the proposed change is so extensive that this procedure would hinder rather than assist the understanding of the proposed amendment, it is not necessary to use underlining and hyphens as indicators of words added or deleted, but instead, a notation must be inserted immediately preceding the proposed amendment in substantially the following language: “Substantial rewording of By-law. See present By-law for old text.”

- 8.1 Notice of the subject matter of the proposed amendment shall be included in the notice of any meeting at which a proposed amendment is considered.
- 8.2 A resolution adopting a proposed amendment may be proposed by either the Board of Directors of the Association or by a member of the Association. Except as elsewhere provided, such proposals must be approved by not less than sixty-six percent (66%) of the entire membership of the Association.
- 8.3 The foregoing were adopted as the By-laws of THE BAHAMIAN CLUB OWNERS’ ASSOCIATION, INC., a corporation not for profit under the laws of the State of Florida at the annual meeting of the homeowners on the 13th day of October, 2006.