

Date: April 9, 2026

To: Tropic Schooner Board of Directors

### Presentation Summary

The Special Members Meeting on 3/25/26 was very successful. Much time and effort went into the meeting preparation. Our goal was to educate on the definitions of ESA and SA and current Federal and State law. Special attention was given to the newest changes in Florida Statute from 2025 regarding penalties for fraudulent claims. We utilized breakout sessions for owners to feel heard with their comments and questions on the Proposed Procedure for ESA/SA Accommodation that was prepared before the meeting by facilitators (Marci and Randy Rich, Carl Simon and Connie Wuellner).

It is our expectation the Board of Directors will seriously look at the proposal and implement a procedure that accounts for a detailed letter of accommodation, verification, and recording to protect the rights of people that require ESA/SA and the owners of Tropic Schooner to enjoy our “no dog pet policy” within the constraints of the law. We expect immediate adherence to existing governing documents and bylaws as well as implementation of a thorough, legal, and verifiable procedure for ESA and SA approvals by ALL Board members.

**Tropic Schooner  
Special Members Meeting**

25 March 2026

**Executive Summary and  
Recommendations**

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**Tropic Schooner - Special Members Meeting**

**Rationale for Meeting**

- Concerns about unilateral decision making
  - Lease Agreements
  - ESAs / SAs
- Concerns about legality of /compliance with existing ESA / SA Policy
- Petition raised, leading to Special Members Meeting

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**Tropic Schooner - Special Members Meeting**

**Executive Summary**

- Two thoroughly researched proposals brought to meeting for discussion
  1. Lease / Sales Agreements - should follow existing process
  2. ESAs / SAs accommodation - updated policy/procedure written
- Unanimous agreement reached on 1
- Six break-out groups reviewed 2
  - Suggestions for amendment proposed
  - Questions captured
- ESA / SA Policy, Procedure and signature document updated following meeting, taking account of group feedback

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**Tropic Schooner - Special Members Meeting**

**Recommendations**

1. Board should follow existing Lease / Sales process for all future Lease / Sales
  - See Declaration of Condominium - pages 18-25
2. Board should review and implement New ESA / SA Policy within 30 days and review all existing approvals against this new policy at Lease renewal
  - See Agenda #4.1 and 4.2 documents

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**Tropic Schooner CONDOMINIUM ASSOCIATION INC.**  
**SPECIAL MEMBERS MEETING MINUTES**  
**March 25, 2026 10:00 AM**  
**Tropic Schooner Club House**

Special Members Meeting Facilitators: Marci Rich, Randy Rich, Carl Simon, Connie Wuellner

Board Members: None in attendance (Secretary is supposed to be present according to our bylaws)

Others present: 50 homeowners (but note no Zoom link was provided in the meeting invite)

PROOF OF NOTICE The notice was posted in accordance with the Condominium Association Florida Statute 718.

Meeting started at 10:00 AM and finished at 12:02 PM

#### AGENDA

1. Opening Remarks by Marci Rich.  
The meeting was recorded on Otter for the purpose of providing meeting minutes. The summary is shown below the agenda points.
2. Meeting Objectives were established, referring to Agenda #2 document.
3. Approval Requirement Process for Sales, Rentals, ESA and Service Animals
  - The bylaws already have provision for how Sales and Leases are to be processed and approved. The outcome desired is for the Board of Directors to follow the existing bylaws for policy, procedure and approval. Once approval policy and procedure for ESAs and SAs is fully developed and implemented in the bylaws, it was agreed we should request the Board follow these as well.
4. Development of legally compliant written policy and procedures for ESAs and SAs
  - Refer to Agenda # 4.1 - TS Condominium Association Proposed Procedure for Emotional Support Animal (ESA) Service Animal (SA) or Assistive Animal Accommodations  
The original document was drafted prior to the meeting following extensive and thorough research (see Agenda #4.4 - Resource Guide). The proposed procedure was the document that was dispersed to breakout groups for review and input. The amended document, which takes account of Special meeting feedback, is Agenda #4.1.
  - Agenda #4.2 document is the proposed Rules and Regulations signature form to be given to an ESA/SA requester after approval. (no amendments were made to this following the meeting).
  - Agenda #4.3 document shows the feedback gathered from the group of spokespersons after the breakout sessions, including unaddressed, but relevant questions.
5. Adjournment.

## **Otter Summaries of Special Members Meeting March 25, 2026**

### **Community Policy**

The meeting discussed the need for changes in the approval process for lease and sales agreements and emotional support animals (ESAs) at Tropic Schooner Condo. Marci Rich and others proposed that decisions should be made by the full board, not just the president, to ensure transparency and compliance with bylaws. They highlighted issues with the current unilateral approval process and suggested adhering to existing detailed procedures. Concerns were raised about timeliness, board input, and compliance with Florida Sunshine Laws. It was agreed to seek board feedback on these matters and consider amending bylaws to allow for unanimous written consent if necessary.

### **ESA Policy Proposal**

The meeting discussed the need for a legally compliant policy for Emotional Support Animals (ESAs) and Service Animals. Key points included the inadequacy of the current procedure, which lacks necessary legal documentation. The proposed policy includes defining ESAs and service animals, addressing fraudulent claims under Florida law, and requiring specific legal documents for approval. The facilitators emphasized the importance of federal law superseding state law and the need for thorough documentation to protect the community. Participants were asked to review and provide feedback on the proposed policy in small groups, with a focus on ensuring compliance with federal regulations.

### **Board Transparency and Policies**

The meeting focused on the need for transparency from the board and the importance of community involvement. Key points included the necessity of updating the website with historical documents, ensuring compliance with Florida statutes, and maintaining a third-party website for community documentation. Concerns were raised about the number of dogs on the property, the enforcement of rules, and the need for clear communication regarding emotional support and service animals. The group discussed the importance of annual updates to documentation, the potential for electronic board approvals, and the possibility of putting legal services out to bid for current law compliance and better rates.

### **Property Management Policy Review**

Residents were advised to report unauthorized dogs or complaints about dogs to Newell. Noise complaints were raised about dogs and sound mitigation was questioned. Documentation and contact with Newell were emphasized for renter issues. The meeting attendees agreed on collective approval for rental and sales agreements and ESA/SA accommodation, requiring formal procedures and verification. The need for clear, non-discriminatory rental policies aligned with FHA and state laws was highlighted, along with regular fair housing training and an internal complaint mechanism.

## March 25, 2026 Tropic Schooner Condominium Owners Meeting

### Agenda Point #2 - Established Objectives Document

Amended April 9, 2026

Topics of Discussion – Issues presented in the petition circulated prior to the 2026 Annual Board Meeting

#### **A.) Lease agreements and Sales agreements being approved solely by the Board President, rather than all board members as written in the governing documents of Tropic Schooner Condominium Association.**

- Present a copy of Tropic Schooner Condominium’s governing documents which delineates the process. The Tropic Schooner Constitution and By-laws are available on the Tropic Schooner website. The Declaration of Condominium pages 18 through 24 beginning at section 13 contains the process/procedure which is to be followed.
  - It clearly states the Board of Directors (**NOT the Board’s President**)
  - All steps of the process need to be followed

We anticipate the Board of Directors and Newell Property Management will immediately begin following the established procedure/process in our governing documents. We expect an update at the next Tropic Schooner Board meeting.

Open discussion on the topic of A listed above. (You must be an owner listed on the sign-up sheet) 3 minute time limit per owner

#### **B.) Emotional Support Animal and Service Animal approvals being approved solely by the Board President rather than all Board Members**

- Page B1 - Define ESA (Emotional Support Animal) and Define SA (Service Animal) and ADA’s broader definition of “Assistive Animals”
- Page B2 - Statement Summary of Federal Law regarding ESA’s and SA’s, Fair Housing Act (FHA) Section 504 of the Rehabilitation Act of 1973 and concerns regarding Attorney Bob Murell’s letters
- Page B3 - Statement Summary of State Law regarding ESA’s and SA’s, Florida Statutes 760.27, 413.08 and Penalties for fraudulent claims, Florida Statute 817.265, 775.082, 775.083
- Page B4 - What is Tropic Schooner’s process for ESA or SA accommodation requests
- Page B5 – Included in Board Summary packet, Agenda item 4.1
- Page B6 – Included in Board Summary packet, Agenda item 4.2
- Page B7 – A listing of some of the many resources used in the preparation of the provided documentation

Open discussion on the topic of B listed above. (You must be an owner listed on the sign-up sheet) 3 minute time limit per owner

**C.) The minutes of this Tropic Schooner Condominium Owners meeting and the suggested proposals will be presented to the Board for consideration and the demand for immediate adherence to existing governing documents and by-laws as well as implementation of a thorough, legal, and verifiable procedure for ESA and SA approvals by ALL board members.**

## Agenda Point #4.1

### Tropic Schooner Condominium Association's Proposed Procedure for Emotional Support Animal (ESA) Service Animal (SA) or Assistive Animal Accommodations

- 1.) A disabled person may request an accommodation for an ESA, SA or Assistive Animal from our management company at any time it becomes necessary. The preference is prior to rental or sales of a Tropic Schooner Condominium. The request may be verbal or written and must indicate what type of animal and why the animal is necessary. However, a written request is preferred. (Either way the date and time of the request must be recorded/documented for Tropic Schooner Condominium's record)
- 2.) The management company must immediately notify the Board of Directors of the request.
- 3.) The management company must also inform the requester in writing within 5 business days that Tropic Schooner Condominium Association received the accommodation request. The notification of receipt must include the date the request was received and state the date the request was sent to the Board of Directors for review.
- 4.) The Board of Directors must review the request. If the disabled person's necessity for an accommodation is **clear and obvious**, the board shall approve the request within 5 business days. The management company will notify the requester in writing within the same 5 business days that their request was approved. If the request does not indicate a physically visible disability the Board of Directors shall inform the requester within the same 5 business days that they require additional information to accurately evaluate the necessity of the accommodation request.
  - The request for additional information will be provided in writing from the Board of Directors or the Management Company and must include the following:

*The Tropic Schooner Board of Directors take these requests very seriously. We must ensure we are preserving the Tropic Schooner community's "No Dog" policy as well as provide accommodations to disabled individuals who qualify for such accommodations as defined by the Federal Housing Act and Florida Statutes. The state of Florida has seen an increase in fraudulent claims of Emotional Support Animals and Service Animals. These false claims harm individuals who have a real need. It has also created the necessity of a thorough process to verify the validity of the need for the requested accommodation. Florida Statutes 760.27, 817.265, 775.082 and 775.083 explain the laws and punishments for those convicted of fraudulent ESA claims. (2<sup>nd</sup> Degree misdemeanor - Will appear on background checks, up to 60 days in jail, up to \$500.00 fine and mandatory 30 hours of community service.)*

- 5.) If the request is for a Service Animal, the Service animal must be serving the disabled person for which the accommodation request is being made. Service Animals have been individually trained to perform a specific task for a specific disabled person. The Board of Directors reserves the right to ask the two legal questions of a person making a request for an SA.
  - What task or work is your Service Animal trained to perform for the disabled individual? (**can NOT ask the SA to perform task or work**)

- Who is the disabled person the SA serves?

6.) If the request for accommodation is for an Emotional Support animal the State of Florida recognizes only a few documents to determine the validity of the necessity of an Emotional Support Animal (ESA).

A.) A Legitimate ESA letter issued by the patient's Licensed Mental Health Professional with whom the disabled person has a current, real therapeutic relationship. (Online same-day issued letters are NOT acceptable)

The following are requirements of a legitimate ESA letter.

- Written on the healthcare professional's Letterhead (Contains contact info)
- Includes date of issue
- Includes the healthcare professional's full name
- Includes the license type, license number and the state of issue
- Includes confirmation that the patient has a mental or emotional disability recognized under the Federal Housing Act as an impairment that substantially limits the ability to participate in at least one Major Life activity. (walking, seeing, speaking, hearing, breathing, learning, performing manual tasks, caring for oneself or working) **CANNOT include diagnosis or medical records**
- Includes a clear explanation of how the ESA supports the disabled person
- Includes statement showing an ongoing treatment relationship

B.) A determination of a disability from any federal, state or local government agency.

C.) Receipt of disability benefits or services from any federal, state or local government agency.

D.) Proof of eligibility for housing assistance or a housing voucher received because of a disability.

7.) Once the Management Company receives the additional documentation requested, they shall forward it immediately to the Tropic Schooner Board of Directors. The Board of Directors shall have 20 business days to conduct a verification prior to the approval or denial of the requested accommodation. The verification process shall consist of the following.

- Confirm license of healthcare professional - via state licensing board
- Contact the healthcare professional to confirm authenticity of the letter only
- Watch for Generic Letters, instant approvals and unlicensed providers
- **Ensure each Assistive Animal has a letter request/approval that is current for the entire leasing period or be updated to cover entire lease.**

All correspondence during the verification process must be documented for record. All records remain confidential and can only be shared between the management company and the Board of Directors.

8.) Once the Board of Directors completes their verification process, they will inform the management company of either the approval or denial of the request.

The management company will inform the requester of the Board of Directors decision. A verbal notification of the decision must be followed up with a written letter within 3 business days. The written letter must have the following accompanying documents.

- Findings of the verification process (For Approvals and Denials)

- The Tropic Schooner's Condominiums Association's Rules and Regulations. The document includes the "Responsibility & Community Standards" and the "Accuracy and Good Faith statements that the tenant or resident must sign, date and return to the management company. (For Approvals only) Once this document is returned to the management company, two copies will be made, one for the Board of Director's records and one to be mailed by the management company to the tenant/resident.

We believe the above process will serve the interest of Tropic Schooner Condominium owners as well as protect the disabled individuals that have a real necessity for an accommodation. We also believe that it is not unreasonable to require individuals to submit a letter of accommodation as well as provide updated licensing and vaccination records annually.

\*NOTE according to Florida State Law, a boiler plate form for application or as a substitute for a legitimate ESA letter does not withstand the scrutiny of the legal process. In fact, it is illegal to deny an accommodation solely on the grounds of not filling out a form created and required by a landlord, HOA, Apartment etc.

\*NOTE: Due to Tropic Schooner being a NO DOGS community, it is within the rights of any Tropic Schooner owner to make inquiries to any person on the property with a dog. The inquiry is limited to: "What is your name? Are you staying on the property?" Owners reserve the right to make an inquiry with the management company or the Board of Directors to confirm whether the dog(s) on the premises are here lawfully and recorded as an approved SA or ESA. If the dog(s) are not recorded as legally on the property, the Board of Directors and management company must take measures to have the dog(s) removed until such time as the owner of the ESA/SA receives an approved accommodation request.

\*NOTE It will be the responsibility of both the management company and the Board of Directors to keep records of each ESA and SA. The record shall include the following.

- The name of the owner of the Emotional Support Animal (ESA) or Service Animal (SA)
- All correspondence during the request and verification process
- The condominium address where the ESA or SA is residing
- The license and vaccination records of the ESA or SA
- The signed Rules and Regulations regarding Assistive Animals document

***(Note: The highlights are changes to the original document from March 25, 2026, made after the Special Members Meeting to take account of break-out group feedback.)***

## Agenda Point #4.2

### TROPIC SCHOONER CONDOMINIUM APARTMENTS OF MARCO, INC.

#### **RULES AND REGULATIONS REGARDING ASSISTANCE ANIMALS (INCLUDING EMOTIONAL SUPPORT ANIMALS AND SERVICE ANIMALS)**

Effective Date: [Insert Date, e.g., March 2026]

These rules apply to assistance animals that have been approved as reasonable accommodations under the Fair Housing Act (FHA) and Florida law (including Florida Statute §760.27). Assistance Animals are not considered pets. They are permitted where necessary to afford a person with a disability equal opportunity to use and enjoy the dwelling and common elements, subject to the following reasonable restrictions designed to protect health, safety, sanitation, and the peaceful enjoyment of the community. The Association will evaluate accommodation requests on a case-by-case basis and engage in interactive process with the requesting individual. All approved assistance animals must always comply with these rules. Violations may result in enforcement action in accordance with the Association's governing documents and applicable law.

1. *Control and Leashing in Common Areas*

All assistance animals must be leashed (or under effective voice/harness control if leashing interferes with the animal's function) and always remain in the company and under the direct control of the owner/handler while outside the unit or in any common areas.

2. *Waste Removal*

Owners/handlers must immediately remove all animal waste, double bag it, seal it securely, and dispose of it in an appropriate receptacle in a manner that prevents offensive or noxious odors.

3. *Direct Threat or Danger*

An assistance animal that poses a direct threat to the health or safety of others, or that would cause significant physical damage to property that cannot be mitigated, may be required to be removed. Any such determination will be based on an individualized, fact-specific assessment (not on breed, size, appearance, or speculation).

4. *Designated Walking Areas*

Assistance animals must be exercised/walked only in areas specifically designated by the Association for that purpose. Contact the Board of Directors or Property Manager for the current designated locations.

5. *Nuisance and Noise Provisions*

Assistance animals are fully subject to the Association's noise, nuisance, and disturbance provisions as set forth in the Declaration of Condominium and other governing documents. Excessive barking, growling, threatening behavior, or other actions that unreasonably disturb, annoy, or threaten other owners, residents, guests are prohibited.

6. *Vaccinations and Health Documentation*

Owners/handlers must or upon request or annually, provide the Board of Directors with current proof of vaccinations and any required medical history for the assistance animal, in full compliance with all applicable state and local animal health regulations.

7. *Pool Area and Clubhouse Restrictions*

Assistance animals are not permitted in the pool area (including the pool deck and swimming pool) or inside the clubhouse (including the kitchen and any food preparation/service areas) due to legitimate health, sanitation, and safety concerns (e.g., hygiene risks near food service and potential contamination under Florida pool and health regulations).

Requests for exceptions based on a specific disability-related need will be considered through the reasonable

accommodation process. The Association will engage in an interactive dialogue and evaluate whether an exception can be granted without creating a direct threat, undue burden, or fundamental alteration of services.

8. *Liability for Damages*

The owner/handler of an assistance animal is fully responsible and liable for all damages caused by the animal to common areas, other units, personal property, or Association property. The owner shall indemnify and hold harmless the Association, its officers, directors, agents, and employees from any claims, liabilities, losses, or expenses arising from the presence or actions of the assistance animal.

9. *Violations and Enforcement*

Except in cases involving an immediate direct threat (Rule 3), three or more documented violations of these rules (evidenced by written notices to the owner/handler) may result in the Board considering requiring removal of the assistance animal. All enforcement actions will follow due process, provide notice and an opportunity to cure where appropriate, and comply with the Fair Housing Act and Florida law.

**RESIDENT RESPONSIBILITIES & COMMUNITY STANDARDS**

By signing below, I acknowledge and agree that:

The Assisted Animal will not pose a direct threat to the health or safety of others or cause substantial property damage.

The Assisted Animal will always be under control and comply with local health and leash laws where applicable.

I will promptly clean up after the animal and maintain proper sanitation.

Resident Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**IMPORTANT NOTICE REGARDING ACCURACY & GOOD FAITH**

This request is made in good faith to seek lawful reasonable accommodation. Submitting accurate and truthful information helps ensure timely and fair consideration. Knowingly providing false information or misleading information may result in denial of the accommodation request and could violate applicable federal or state laws governing documents. Our goal is to support legitimate needs while maintaining a safe and respectful community for all residents.

Resident Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **Agenda Point #4.3 – Breakout Session**

During the meeting we had an opportunity for those in attendance to take the proposed Procedure for Tropic Schooner Condominium Association Procedure for Emotional Support Animal (ESA) and Service Animal (SA) or Assistive Animal Accommodation, divide into small groups to review and give feedback and suggestions.

There were approximately 50 people in attendance, and they broke into six groups. Each group assigned a scribe and a spokesperson willing to come forward and share with everyone the group's feedback.

This is a summary of the feedback received:

### **Concerns About Dogs and Documentation**

- Concern was expressed about the number of dogs on the property and the lack of facilities for them.
- It was suggested a map should be included in the agreement to show the dog areas permissible.
- It was clarified that a person can be prescribed more than one ESA but only one ESA per animal.
- The importance of updating documentation annually and the need for clear guidelines on direct threats from dogs was mentioned.

### **Enforcement and Liability Issues**

- How the board enforces rules and who is responsible for checking on dogs was questioned.
- Concerns were raised about verbal or written requests for ESA and the need for clear documentation.
- The need to revisit the policy to ensure it is updated with the latest changes in the law was discussed.
- Concerns were raised about liability for non-Board members involved in Board delegated sub-committee work and the need for electronic approval without violating the Sunshine Law.

### **Owner Requirements and Legal Fees**

- It was suggested owner requirements for advertising rental units should be itemized to ensure control over what goes out to market.
- It was proposed to put out legal services for competitive bid to get better rates and find a lawyer who is current on the issues.
- It was confirmed that the board cannot meet without all members being present to avoid violating the Sunshine Law.
- It was again emphasized that it is crucial to have a lawyer who is knowledgeable about the relevant issues.

Note: After the Special Meeting, Carl and Marci reviewed all the feedback from each group spokesperson, trying to integrate as many of the points raised as possible into the proposed procedure. Possibly just being aware of the questions and comments will help finalize the procedure. During this process the Declaration of Condominium was also reviewed and the following Declaration 9.3 (C) Flooring was observed. Obviously, as a community we are concerned about Nuisance and Noise. Q. Are we certain that everyone is following the proper sound proofing? It refers to upstairs carpeting and requiring Board approval if something else is used. The 10.6 Pets declaration is also very clear; can this apply to ESA/SA as well if the pet is a nuisance/noise to owners?

## Agenda #4.4 – Resource Guide

Resources used for the preparation of the Special Owners Meeting March 25, 2026

- [www.ada.gov/resources/serviceanimals-requirements/](http://www.ada.gov/resources/serviceanimals-requirements/)
- [www.ada.gov/topics/service-animals HCV\\_Guidebook-Chapter\\_Fair-Housing\\_April-2025.pdf](http://www.ada.gov/topics/service-animals/HCV_Guidebook-Chapter_Fair-Housing_April-2025.pdf)
- <https://legalclarity.org/florida-passes-new-laws-regarding-emotional-support-animals/>
- [www.flsenate.gov/laws/status/2025/760.27](http://www.flsenate.gov/laws/status/2025/760.27)
- <http://www.leg.state.fl.us> <https://users.serviceanimals.org/blob/emotional-support-animal-laws-in-florida/>
- 2018 letter from Murrell Law Office (provided by Bill Brandt)
- 2026 letter from Murrell Law Office
- [Tropic Schooner Declaration of Condominium](#) (specifically 13.1 to 14.3; pages 18-24)
- [Tropic Schooner Bylaws](#)