

7434 Harding Condominium - Declaration & Governing Covenants - Page 1

Section 1: [Article I, Section 1.1] Definitions, Purpose, and Governing Act

This Declaration of Covenants, Conditions, and Restrictions (or Declaration of Condominium) establishes the governance framework, maintenance obligations, and property covenants for all Lots and Units within the Association in the State of Florida.

Section 2: [Article II, Section 2.1] Membership and Voting Rights

Every record Owner of a fee or undivided fee interest in any Lot or Unit shall be a mandatory Member of the Association and shall be entitled to one (1) vote per Lot or Unit in all Association affairs.

Section 3: [Article XV, Section 15.1] Retroactive Rental Restriction Amendment

Effective upon recording of this Amendment to the Declaration of 7434 HARDING CONDOMINIUM, a minimum lease period of twelve (12) months and a strict rental cap of ten percent (10%) of all Units shall govern the Condominium. This leasing restriction applies immediately to all owners with no grandfathering, and all existing leases shall terminate upon expiration of their current term.

Section 4: [Article VIII, Section 8.2] Delinquent Assessment Interest and Late Charges

Assessments and installments on such assessments not paid within ten (10) days from the date when they are due at 7434 HARDING CONDOMINIUM shall bear interest at the rate of twenty-four percent (24%) per annum from the due date until paid, and shall incur an administrative late fee of \$75.00 per delinquent installment.

Section 5: [Article IV, Section 4.9] Recall and Removal of Board Directors

Any member of the Board of Administration of 7434 HARDING CONDOMINIUM may only be recalled and removed from office for cause by an affirmative vote of seventy-five percent (75%) of all voting interests in the Condominium at a special meeting called for that purpose.

Section 6: [Article IX, Section 9.7] Solar Collectors and Exterior Energy Devices

No exterior antennas, clotheslines, or renewable energy equipment shall be affixed to any portion of 7434 HARDING CONDOMINIUM. Solar panels are prohibited on all roof surfaces, balconies, and common elements, and exterior drying of clothes is forbidden.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article XV, Section 15.1 (p. 1): Clause applies new rental restrictions retroactively in direct violation of Fla. Stat. § 718.110(13).

Statutory / Legal Reference: Fla. Stat. § 718.110(13)

Statutory Comparison: An amendment prohibiting or regulating the duration or frequency of rentals only applies to unit owners who consent to the amendment or who acquire title after the amendment's recording date.

CURRENT WORDING IN DOCUMENT:

Retroactive Rental Restriction Amendment - Effective upon recording of this Amendment to the Declaration of 7434 HARDING CONDOMINIUM, a minimum lease period of twelve (12) months and a strict rental cap of ten percent (10%) of all Units shall govern the Condominium. This leasing restriction applies immediately to all owners with no grandfathering, and all existing leases shall terminate upon expiration of their current term.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

In accordance with Fla. Stat. § 718.110(13), these leasing restrictions apply only to unit owners who consented to this amendment in writing or who acquired title to their unit after the recording date of this amendment.

ISSUE #1