

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 XIII, Section 13.4] Hurricane Protection Standards and Prohibition on Owner Impact Glass

No Unit Owner may replace existing windows or sliding glass doors with laminated impact-resistant glass or install exterior storm shutters unless every Unit Owner in the building simultaneously replaces their windows at their own expense, and the Board shall not adopt individual hurricane protection specifications.

Section 4: [Article VI, Section 6.8] Waiver of Structural Integrity Reserves and Financial Reporting

Notwithstanding the age or height of the Condominium building, the Board of Directors or a majority of the voting interests present at an annual meeting may waive the funding of all reserve accounts, including reserves for structural systems, windows, plumbing, and electrical infrastructure, and may waive compilation, review, or audit financial statements indefinitely.

Section 5: [Article IX, Section 9.5] Board Fining Committee Composed of Officers and Directors

All disciplinary fines and suspensions of common element use rights shall be reviewed by a three-member Compliance Committee appointed by the President and consisting of the Vice President, the Treasurer, and the spouse of a sitting Director.

Section 6: [Rule 5.6] Restrictions on Access to Association Contracts and Financial Ledgers

shall not be permitted to inspect vendor contracts, management agreements, bids, or detailed financial ledgers of the Association, and are limited solely to viewing the annual year-end balance sheet summary once per calendar year upon payment of a \$75.00 retrieval fee.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article IX, Section 9.5 (p. 1): Clause permits disqualified persons (directors, officers, employees, or their immediate relatives) or fewer than 3 members on the fining committee.

Statutory / Legal Reference: Fla. Stat. § 718.303(3)(b)

Statutory Comparison: Under Fla. Stat. § 718.303(3)(b), a fine or suspension levied by the board may not be imposed unless approved by a majority vote of a committee of at least three (3) members appointed by the board who are NOT officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. If the committee does not approve the proposed fine or suspension, it may not be imposed.

CURRENT WORDING IN DOCUMENT:

Board Fining Committee Composed of Officers and Directors - All disciplinary fines and suspensions of common element use rights shall be reviewed by a three-member Compliance Committee appointed by the President and consisting of the Vice President, the Treasurer, and the spouse of a sitting Director.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 718.303(3)(b), the covenant enforcement/fining committee shall consist of at least three (3) members who are not officers, directors, or employees of the Association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. If the committee does not approve a proposed fine or suspension by majority vote, the fine or suspension may not be imposed.

ISSUE #1