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 VIII, Section 8.3] Driveway Parking and Prohibited Pickup Trucks

No pickup trucks, work vans, or commercial vehicles are permitted to be parked on any Lot driveway or street within AQUABELLA COMMUNITY ASSOCIATION, INC. overnight. All pickup trucks are prohibited unless kept at all times completely inside a closed garage.

Section 4: [Article XI, Section 11.2] Covenant Enforcement Fines and Lien Rights

At AQUABELLA COMMUNITY ASSOCIATION, INC., the Board of Directors may unilaterally impose a fine of $100 per day for any violation of the Governing Documents upon 5 days notice without prior written notice or hearing. Any unpaid fine of $250 or

ISSUE #1

ecome a continuing lien against the Lot enforceable by foreclosure.

Section 5: [Rules and Regulations, Section 4] Trash Receptacles and Holiday Decorations

At AQUABELLA COMMUNITY ASSOCIATION, INC., garbage and trash receptacles shall not be placed at the curb before 6:00 a.m. on the morning of collection, and any owner placing receptacles out the night before pickup shall be fined $50.00 immediately. Holiday decorations left displayed past January 5th shall incur an automatic daily fine of $25.00 without prior written notice.

Section 6: [Article VII, Section 7.4] Landscaping Standards and Backyard Storage

All Lots within AQUABELLA COMMUNITY ASSOCIATION, INC. must be sodded with 100% St. Augustine sod only, and xeriscaping is prohibited. Furthermore, no storage shed, artificial turf, boat, or vegetable garden may be installed or stored in any rear yard or fenced backyard even if not visible from the street or adjacent parcels.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE — BOARD & COUNSEL REVIEW

Sec. Article XI, Section 11.2 (p. 1): Fining clause allows board to levy fines without statutory 14-day notice or independent committee hearing.

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

Statutory Comparison: Under the Florida Condominium Act (Fla. Stat. § 718.303(3)(b)), no fine or suspension may be imposed without at least 14 days' written notice to the owner and an opportunity for a hearing before an independent committee of at least three (3) members who are not board members, officers, employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee.

CURRENT WORDING IN DOCUMENT:
Covenant Enforcement Fines and Lien Rights - At AQUABELLA COMMUNITY ASSOCIATION, INC., the Board of Directors may unilaterally impose a fine of $100 per day for any violation of the Governing Documents upon 5 days notice without prior written notice or hearing. Any unpaid fine of $250 or more shall become a continuing lien against the Lot enforceable by foreclosure.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Pursuant to Fla. Stat. § 718.303(3)(b), a fine or suspension may not be imposed without at least 14 days' written notice to the owner and an opportunity for a hearing before an independent committee of at least three (3) members appointed by the board who are not officers, directors, or employees of the association, nor the spouse, parent, child, brother, or sister of an officer, director, or employee. If the committee does not approve the proposed fine or suspension by a majority vote, the proposed fine or suspension may not be imposed.