

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 X, Section 10.4] Commercial Vehicles, Pickup Trucks, and First Responder Vehicles

No commercial vehicle, pickup truck with an open bed, van, or law enforcement / emergency responder vehicle bearing official markings or light bars may be parked on any driveway or guest parking space overnight. All such vehicles must be parked entirely within an enclosed garage.

Section 4: [Article X, Section 10.11] Trash Containers and Holiday Decorations Enforcement

Trash and recycling receptacles may not be placed at the curb prior to 6:00 AM on the morning of collection and must be removed into the garage by 5:00 PM on collection day. An automatic \$50.00 fine shall be assessed without prior hearing for any receptacle visible from the street at 5:30 PM on collection day.

Section 5: [Article XIII, Section 13.3] Fining Committee Composition and Appeal Window

The Board of Directors shall appoint a Covenant Enforcement Committee consisting of one (1) Board member as Chair and two (2) Lot Owners to review fines. Any Owner wishing to contest a fine must submit a written hearing request within five (5) business days of the notice of violation, failing which the fine becomes final and constitutes a lien against the Lot regardless of amount.

ISSUE #1

[Article VI, Section 6.7] Display of Flags and Flagpoles

Homeowners may display one (1) United States flag mounted on the front facade, but freestanding flagpoles of any height, State of Florida flags, military service branch flags, and first responder flags are prohibited without a paid Architectural Review permit.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article XIII, Section 13.3 (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:

Fining Committee Composition and Appeal Window - The Board of Directors shall appoint a Covenant Enforcement Committee consisting of one (1) Board member as Chair and two (2) Lot Owners to review fines. Any Owner wishing to contest a fine must submit a written hearing request within five (5) business days of the notice of violation, failing which the fine becomes final and constitutes a lien against the Lot regardless of amount.

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.