ISSUE #1

Section 1: [Article X, Section 10.6] Parking and Prohibited Vehicles

No commercial vehicle, pickup truck with a payload capacity exceeding three-quarters (3/4) ton, work van, vehicle bearing commercial lettering or equipment racks, boat, trailer, or recreational vehicle shall be parked or stored on any Lot or driveway overnight unless completely enclosed within a closed garage. The Board of Directors or its management agent is authorized to immediately tow any offending vehicle from a Lot driveway or Common Area at the Owner's sole expense without prior judicial process.

Section 2: [Article XII, Section 12.2] Fines, Suspensions, and Hearing Procedure

The Board of Directors may levy reasonable fines not to exceed $100.00 per violation per day, up to an aggregate of $5,000.00, against any Owner or tenant for violation of the Declaration, Bylaws, or Rules. A fine becomes effective five (5) days after written notice from the Board unless the Owner submits a written request for a hearing before the Covenant Enforcement Committee within seven (7) days of the date of the violation notice. Any unpaid fine exceeding $500.00 shall constitute a continuing lien against the Lot enforceable by foreclosure in the same manner as unpaid assessments.

MARKUP #1 ->

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

Sec. 1 (p. 1): Parking clause restricts pickup trucks or authorized work vehicles in direct violation of Fla. Stat. § 720.3075(3) (HB 1203).

Statutory / Legal Reference: Fla. Stat. § 720.3075(3)

Statutory Comparison: Fla. Stat. § 720.3075 as amended by HB 1203 renders unenforceable any covenant that prohibits an owner from parking a personal vehicle, including a pickup truck, or an emergency service/work vehicle in their driveway.

CURRENT WORDING IN DOCUMENT:

[Article X, Section 10.6] Parking and Prohibited Vehicles No commercial vehicle, pickup truck with a payload capacity exceeding three-quarters (3/4) ton, work van, vehicle bearing commercial lettering or equipment racks, boat, trailer, or recreational vehicle shall be parked or stored on any Lot or driveway overnight unless completely enclosed within a closed garage.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Notwithstanding any provision herein to the contrary, personal pickup trucks, law enforcement vehicles, emergency services vehicles, and work vehicles operated by a resident or owner may be parked in the resident's designated driveway or parking area, pursuant to Fla. Stat. § 720.3075.