

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 III, Section 3.9] Member Meeting Notice and Recording Prohibition

Annual and special meetings of the Members of CENTRO HOMEOWNERS ASSOCIATION, INC may be called upon 7 days' notice. Video recording of board or member meetings is prohibited, owners may not record proceedings, and nominations from the floor are prohibited at all election meetings.

Section 4: [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 CENTRO HOMEOWNERS ASSOCIATION, INC overnight. All pickup trucks are prohibited unless kept at all times completely inside a closed garage.

Section 5: [Article XI, Section 11.2] Covenant Enforcement Fines and Lien Rights

At CENTRO HOMEOWNERS 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.

Section 6: [Rules and Regulations, Section 4] Trash Receptacles and Holiday Decorations

At CENTRO HOMEOWNERS 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.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article III, Section 3.9 (p. 1): Meeting rule unlawfully prohibits owners from audio or video recording association meetings.

Statutory / Legal Reference: Fla. Stat. § 718.112(2)(c) (HB 1021) & F.A.C. Rule 61B-23.002(9)-(10)

Statutory Comparison: Under Fla. Stat. § 718.112(2)(c) (as amended by HB 1021, effective July 1, 2024) and F.A.C. Rule 61B-23.002, every unit owner has the statutory right to attend and speak on all designated agenda items, to tape-record or videotape open meetings, and (for condominiums with >10 units) to ask questions of the Board at least four times per year regarding construction/repair projects, revenues/expenditures, and condominium operations. Conditioning the statutory right to speak or record on filing a written request 48 hours before the meeting commences - when board notices and agendas themselves may be posted only 48 hours prior - creates an unenforceable procedural barrier.

CURRENT WORDING IN DOCUMENT:

Member Meeting Notice and Recording Prohibition - Annual and special meetings of the Members of CENTRO HOMEOWNERS ASSOCIATION, INC may be called upon 7 days' notice. Video recording of board or member meetings is prohibited, owners may not record proceedings, and nominations from the floor are prohibited at all election meetings.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 718.112(2)(c) (HB 1021) & F.A.C. Rule 61B-23.002(9)-(10), any owner may audio or video record open meetings of the Board or Membership and shall have the right to speak for at least three (3) minutes on any designated agenda item at the meeting without a 48-hour pre-filing forfeit.

ISSUE #1