

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 XIV, Section 14.6] Assessment Delinquency Interest, Late Charges, and Expedited Foreclosure

Delinquent assessments shall accrue interest at twenty-four percent (24%) per annum plus a late charge of ten percent (10%) of each installment, and the Association may record a claim of lien ten (10) days after the due date and institute foreclosure proceedings twenty (20) days thereafter without additional statutory waiting periods.

Section 4: [Article V, Section 5.7] Diversion of Reserve Accounts for General Operating Expenses

The Board of Administration may reallocate or expend reserve funds collected for roof replacement, building painting, and paving resurfacing to pay general operating expenses or legal fees at any time by simple Board resolution without a vote of the Unit Owners.

Section 5: [Article IX, Section 9.2] Board Fining Authority and Lien Creation for Unpaid Fines

The Board of Directors may impose a fine of up to two hundred dollars (\$200.00) per violation upon five (5) days' notice without review by a committee of non-board Unit Owners, and any fine not paid within fifteen (15) days shall become a foreclosable lien against the Condominium Parcel.

Section 6: [Rule 11.4] Ban on Recording Meetings and Restrictions on Official Records Inspection

ISSUE #1

are prohibited from recording Board or membership meetings and may inspect Official Records only after a thirty (30) business day waiting period and without using smartphones or cameras to copy documents.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article IX, Section 9.2 (p. 1): Clause purports to convert unpaid fines into a property lien in violation of Florida Condominium/Cooperative law.

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

Statutory Comparison: Under Fla. Stat. § 718.303(3) (Condominiums) and § 719.303(3) (Cooperatives), a fine may never become a lien against a unit or cooperative parcel under any circumstances.

CURRENT WORDING IN DOCUMENT:

Board Fining Authority and Lien Creation for Unpaid Fines - The Board of Directors may impose a fine of up to two hundred dollars (\$200.00) per violation upon five (5) days' notice without review by a committee of non-board Unit Owners, and any fine not paid within fifteen (15) days shall become a foreclosable lien against the Condominium Parcel.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 718.303(3), a fine cannot become a lien against a parcel or unit.