

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 14.5] Transfer Screening Fee and Mandatory Move-In Contribution

No sale or lease of a Unit shall be valid unless approved by the Association upon payment of a non-refundable application fee of three hundred dollars (\$300.00) per applicant, plus a mandatory non-refundable capital contribution equal to two (2) months' assessments upon every transfer or lease renewal.

ISSUE #1

Section 4: [Article V, Section 5.8] Waiver of Structural Reserves and Milestone Inspection Repairs

A majority of the Board of Administration or a simple majority of voting interests present at a meeting may vote to waive funding for all structural integrity reserve items and to postpone phase-two milestone structural repairs indefinitely whenever the Board determines that assessments would otherwise increase by more than ten percent (10%).

Section 5: [Article IX, Section 9.3] Direct Board Fining and Suspension of Common Element Use

The Board of Administration may levy fines of up to two hundred fifty dollars (\$250.00) per violation and suspend a Unit Owner's or tenant's right to use the lobby elevators, boat dock, and parking garage immediately upon seven (7) days' notice from the Board without review by an independent fining committee.

Section 6: [Rule 10.6] Ban on Recording Meetings and Speaking Limits at Board Meetings

Video or audio recording of Board and membership meetings by Unit Owners is prohibited, and Unit Owners may only submit written questions twenty-four (24) hours before a meeting rather than speaking on agenda items during the meeting.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article XIV, Section 14.5 (p. 1): Screening/transfer fee of \$300 exceeds statutory \$150 maximum limit.

Statutory / Legal Reference: Fla. Stat. § 718.112(2)(i)

Statutory Comparison: Florida Statute § 718.112(2)(i) limits transfer and screening fees to a maximum of \$150 per applicant (excluding married couples or parent/child applicants where only a single fee may be charged).

CURRENT WORDING IN DOCUMENT:

Transfer Screening Fee and Mandatory Move-In Contribution - No sale or lease of a Unit shall be valid unless approved by the Association upon payment of a non-refundable application fee of three hundred dollars (\$300.00) per applicant, plus a mandatory non-refundable capital contribution equal to two (2) months' assessments upon every transfer or lease renewal.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Transfer Screening Fee and Mandatory Move-In Contribution - No sale or lease of a Unit shall be valid unless approved by the Association upon payment of a non-refundable application fee of three hundred dollars (\$150) per applicant, plus a mandatory non-refundable capital contribution equal to two (2) months' assessments upon every transfer or lease renewal.