

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 XI, Section 11.3] Special Assessments Without Specific Purpose Notice

The Board of Administration may levy special assessments in any amount at any regular or special Board meeting upon twenty-four (24) hours' posted notice, without stating the specific purpose of the special assessment in the notice and without mailing written notice to the Unit Owners.

Section 4: [Article IV, Section 4.9] Director Term Limits and Recall Barriers

Members of the Board of Administration shall serve four-year staggered terms without any limit on consecutive years of service, and no Director may be recalled by the membership except for felony conviction and only upon the affirmative vote of eighty-five percent (85%) of all voting interests at an in-person meeting.

Section 5: [Article IX, Section 9.4] Fining and Lien Enforcement by Compliance Officer

The Association's Compliance Officer and Property Manager may levy fines of up to two hundred dollars (\$200.00) per violation and five thousand dollars (\$5,000.00) in the aggregate after seven (7) days' notice, without confirmation by an independent fining committee of non-affiliated Unit Owners, and all such fines shall constitute a lien on the Unit.

Section 6: [Rule 6.1] Prohibition on Hurricane Shutters and Laminated Impact Windows

No Unit Owner may install exterior hurricane shutters or impact-rated windows not specifically authorized by a three-fourths (3/4) vote of all Unit Owners in the Condominium.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article IX, Section 9.4 (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:

Fining and Lien Enforcement by Compliance Officer - The Association's Compliance Officer and Property Manager may levy fines of up to two hundred dollars (\$200.00) per violation and five thousand dollars (\$5,000.00) in the aggregate after seven (7) days' notice, without confirmation by an independent fining committee of non-affiliated Unit Owners, and all such fines shall constitute a lien on the Unit.

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.

ISSUE #1