

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 VI, Section 6.3] Driveway Parking of Personal Pickup Trucks

Pickup trucks of any size, whether used for personal or business purposes, cargo vans, and motorcycles shall not be parked in any driveway or street overnight. Any pickup truck parked in a Lot driveway between 11:00 PM and 6:00 AM is subject to immediate towing at the vehicle owner's expense.

Section 4: [Article VIII, Section 8.2] Fining Procedure and Lien Foreclosure

The Board of Directors may levy fines up to \$100.00 per day, up to a maximum of \$3,000.00, for any covenant violation. The Owner shall have seven (7) days from the date of the fine notice to request a hearing before the Board of Directors. Unpaid fines of \$500.00 or more shall be secured by a Claim of Lien and may be foreclosed in the same manner as a mortgage.

ISSUE #1

[Article III, Section 3.9] Candidate Eligibility and Board Nominations

No Member shall be eligible to run for or serve on the Board of Directors if the Member has received any architectural or covenant violation notice within the preceding twelve (12) months, or if the Member is delinquent in any monetary obligation of any amount on the date of nomination.

Section 6: [Article VII, Section 7.5] Backyard Vegetable Gardens and Artificial Turf

Vegetable gardens, fruit trees, compost bins, and synthetic turf are prohibited on all Lots, including within fenced backyards not visible from any street or neighboring property.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article VIII, Section 8.2 (p. 1): Fining provision permits the Board to impose a fine without majority approval of an independent 3-member fining committee free of officers, directors, employees, and their immediate relatives.

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

Statutory Comparison: Under Fla. Stat. § 718.303(3)(b), a fine or suspension levied by the board of administration/directors may not be imposed unless the owner is provided at least 14 days' written notice and an opportunity for a hearing before an independent committee of at least three (3) members appointed by the board who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. If the committee does not approve the proposed fine or suspension by a majority vote, it may not be imposed.

CURRENT WORDING IN DOCUMENT:

Fining Procedure and Lien Foreclosure - The Board of Directors may levy fines up to \$100.00 per day, up to a maximum of \$3,000.00, for any covenant violation. The Owner shall have seven (7) days from the date of the fine notice to request a hearing before the Board of Directors. Unpaid fines of \$500.00 or more shall be secured by a Claim of Lien and may be foreclosed in the same manner as a mortgage.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 718.303(3)(b), no fine or suspension levied by the Board may be imposed unless approved by a majority vote of an independent fining committee of at least three (3) members appointed by the Board who are not officers, directors, or employees of the Association, nor the spouse, parent, child, brother, or sister of an officer, director, or employee, following at least fourteen (14) days' written notice of the hearing.