

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 XIII, Section 13.1] Sale and Lease Screening Fee and Security Deposit Requirement

Every prospective purchaser or lessee of a Unit must pay a non-refundable application fee of two hundred seventy-five dollars (\$275.00) per applicant, including spouses and dependent children over eighteen, and every lessee must place a security deposit with the Association equal to two (2) months' rent.

Section 4: [Article III, Section 3.6] Use of General Proxies for All Association Votes and Elections

Votes for the election of Directors, waiver of reserves, and amendments to the Declaration may be cast by general proxy in the discretion of the proxy holder, and limited proxies shall not be required for any matter presented at a membership meeting.

Section 5: [Article VII, Section 7.7] Exculpation and Indemnification of Directors for Intentional Misconduct

No Director or Officer of the Association shall be personally liable to the Association or any Unit Owner for any breach of fiduciary duty, self-dealing, recklessness, or willful violation of Chapter 718, Florida Statutes, and the Association shall indemnify all Directors against any such claims out of common expense funds.

Section 6: [Rule 10.2] Restriction on Official Records Access and Electronic Delivery

Unit Owners may inspect no more than three (3) specific documents per calendar year, must inspect records at the off-site office of the Association's accountant outside Miami-Dade County, and may not receive electronic copies or photograph any records.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article XIII, Section 13.1 (p. 1): Screening/transfer fee of \$275 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:

Sale and Lease Screening Fee and Security Deposit Requirement - Every prospective purchaser or lessee of a Unit must pay a non-refundable application fee of two hundred seventy-five dollars (\$275.00) per applicant, including spouses and dependent children over eighteen, and every lessee must place a security deposit with the Association equal to two (2) months' rent.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Sale and Lease Screening Fee and Security Deposit Requirement - Every prospective purchaser or lessee of a Unit must pay a non-refundable application fee of two hundred seventy-five dollars (\$150) per applicant, including spouses and dependent children over eighteen, and every lessee must place a security deposit with the Association equal to two (2) months' rent.

ISSUE #1