

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 VII, Section 7.3] Architectural Control Discretion and Ban on Solar and Xeriscaping

The Architectural Control Committee may disapprove any exterior modification in its sole aesthetic judgment without published architectural guidelines, and no Lot Owner shall install rooftop solar energy collectors or replace St. Augustine turf grass with Florida-friendly landscaping.

Section 4: [Article VI, Section 6.4] Fining Authority and Foreclosable Liens for All Fines

The Board of Directors may assess a fine of one hundred fifty dollars (\$150.00) per day up to five thousand dollars (\$5,000.00) after five (5) days' written notice without a hearing before a committee of independent homeowners, and any unpaid fine of any dollar amount shall constitute a continuing lien against the Lot subject to foreclosure.

ISSUE #1

Section 5: [Article VIII, Section 8.2] Official Records Inspection Restrictions and Copying Charges

Official Records of the Association shall be made available for inspection within thirty (30) business days after receipt of a written request stating a proper purpose approved by the Board, and members shall pay one dollar (\$1.00) per page for copies and may not photograph records with personal devices.

Section 6: [Rule 3.4] Prohibition on Pickup Trucks, Work Vans, and Fenced Backyard Storage

No pickup truck, sport utility vehicle with commercial lettering, or law enforcement vehicle may be parked in any residential driveway overnight, and no homeowner may store lawn equipment, bicycles, kayaks, or storage bins in a fenced rear yard even when not visible from the street or neighboring properties.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article VI, Section 6.4 (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 Authority and Foreclosable Liens for All Fines - The Board of Directors may assess a fine of one hundred fifty dollars (\$150.00) per day up to five thousand dollars (\$5,000.00) after five (5) days' written notice without a hearing before a committee of independent homeowners, and any unpaid fine of any dollar amount shall constitute a continuing lien against the Lot subject to foreclosure.

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.