

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 IX, Section 9.2] Prohibition on Hurricane Shutters and Permanent Storm Protection

No permanent accordion hurricane shutters, roll-down storm shutters, or impact-resistant windows differing in frame profile may be installed on any residence, and temporary plywood or metal storm panels may only be erected twenty-four (24) hours prior to projected landfall and must be removed within twenty-four (24) hours after the storm passes.

Section 4: [Article IV, Section 4.7] Unlimited Proxy Voting and Closed Board Meetings

Any member of the Board of Directors may hold and vote an unlimited number of general proxies at any annual or special membership meeting, and regular meetings of the Board of Directors may be held without posted notice to the membership unless an assessment increase is on the agenda.

Section 5: [Article X, Section 10.1] Fining Committee Composed of Directors and Their Spouses

All covenant violation fines and suspensions of common facility privileges shall be determined by a three-person Covenant Enforcement Committee consisting of the Association Vice President, a Director's spouse, and the Property Manager upon seven (7) days' written notice.

Section 6: [Rule 6.3] Ban on Display of Flags, Signs, and Driveway Parking of Pickup Trucks

No flag of any kind - including the United States flag, State of Florida flag, or military service flags - and no security contractor sign may be displayed on any Lot without prior written Board approval, and all pickup trucks are prohibited from parking in residential driveways.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article X, Section 10.1 (p. 1): Clause permits disqualified persons (directors, officers, employees, or their immediate relatives) or fewer than 3 members on the fining committee.

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 may not be imposed unless approved by a majority vote of a 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, it may not be imposed.

CURRENT WORDING IN DOCUMENT:

Fining Committee Composed of Directors and Their Spouses - All covenant violation fines and suspensions of common facility privileges shall be determined by a three-person Covenant Enforcement Committee consisting of the Association Vice President, a Director's spouse, and the Property Manager upon seven (7) days' written notice.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 718.303(3)(b), the covenant enforcement/fining committee shall consist of at least three (3) members 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 a proposed fine or suspension by majority vote, the fine or suspension may not be imposed.

ISSUE #1