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 XV, Section 15.1] Transfer Fee Equal to Percentage of Sale Price

As a condition precedent to the Association's issuance of a certificate of approval for any sale, conveyance, or lease of a Unit, the transferor shall pay to the Association a transfer and capital contribution fee equal to one percent (1.0%) of the gross purchase price or annual lease consideration.

Section 4: [Article IV, Section 4.11] Closed Board Meetings and Notice of Budget Adoption

Meetings of the Board of Administration may be held in executive session without notice to the Unit Owners whenever a majority of the Directors deem it expedient, and the annual budget and assessment schedule may be adopted by the Board upon forty-eight (48) hours' posted notice without mailing copies of the proposed budget to Unit Owners.

Section 5: [Article VII, Section 7.4] Summary Fining Authority of Board of Directors

The Board of Directors may impose a fine of up to two hundred fifty dollars ($250.00) per day for any continuing violation of the Condominium Documents upon five (5) days' notice to the offending Unit Owner, and any such fine shall automatically become a continuing lien against the Condominium Parcel enforceable by foreclosure.

ISSUE #1

[Rule 9.3] Prohibition on Recording Board and Membership Meetings

No Unit Owner or occupant may audio-record or video-record any meeting of the Board of Administration or of the membership without prior written permission of the Board President, and any person attempting to record a meeting shall be required to leave the meeting room.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE — BOARD & COUNSEL REVIEW

Sec. Article VII, Section 7.4 (p. 1): Fining clause allows board to levy fines without statutory 14-day notice or independent committee hearing.

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

Statutory Comparison: Under the Florida Condominium Act (Fla. Stat. § 718.303(3)(b)), no fine or suspension may be imposed without at least 14 days' written notice to the owner and an opportunity for a hearing before an independent committee of at least three (3) members who are not board members, officers, employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee.

CURRENT WORDING IN DOCUMENT:
Summary Fining Authority of Board of Directors - The Board of Directors may impose a fine of up to two hundred fifty dollars ($250.00) per day for any continuing violation of the Condominium Documents upon five (5) days' notice to the offending Unit Owner, and any such fine shall automatically become a continuing lien against the Condominium Parcel enforceable by foreclosure.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Pursuant to Fla. Stat. § 718.303(3)(b), a fine or suspension may not be imposed without at least 14 days' written notice to the owner 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, nor 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, the proposed fine or suspension may not be imposed.