

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 X, Section 10.5] Driveway Parking of Pickup Trucks and Work Vehicles

No pickup truck exceeding one-half (1/2) ton capacity, work van, or vehicle with commercial lettering or toolboxes may be parked on any Lot driveway overnight. All such vehicles must be kept inside an enclosed garage, or they may be towed from the driveway at the Owner's expense.

Section 4: [Article IX, Section 9.7] Solar Panels and Roof Orientation

Solar energy collectors may not be installed on any roof plane visible from a street or golf course fairway. The Architectural Review Committee reserves the right to require solar panels to be relocated to a shaded or north-facing roof slope to conceal them from view.

Section 5: [Article XIII, Section 13.2] Fining Procedure and Lien Below \$1,000

The Board may levy fines of \$100.00 per day up to \$5,000.00. Fines become final seven (7) days after notice unless the Owner requests a hearing in writing, and any unpaid fine of \$500.00 or more shall become a continuing lien on the Lot.

Section 6: [Article X, Section 10.12] Florida-Friendly Landscaping and Turfgrass Requirement

All Lots must maintain a minimum of eighty-five percent (85%) irrigated sod coverage in front and side yards. Drought-tolerant xeriscaping or replacement of

ISSUE #1

with Florida-friendly groundcovers is prohibited.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article XIII, Section 13.2 (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 Below \$1,000 - The Board may levy fines of \$100.00 per day up to \$5,000.00. Fines become final seven (7) days after notice unless the Owner requests a hearing in writing, and any unpaid fine of \$500.00 or more shall become a continuing lien on the Lot.

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.