

La Fontana HOA - Declaration & Governing Covenants - Page 1

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] Covenant Enforcement Fines and Suspensions

At LA FONTANA HOMEOWNERS' ASSOCIATION, INC., the Board of Directors may summarily impose a fine of up to \$150.00 per violation per day against any Owner or tenant after giving 7 days notice of the violation, with any hearing conducted before the Board of Directors rather than an independent committee, and any unpaid fine shall become a continuing lien against the Lot enforceable by foreclosure.

Section 4: [Article X, Section 10.4] Parking of Pickup Trucks and Work Vehicles

No pickup trucks or commercial vehicles shall be parked on any Lot driveway at LA FONTANA HOMEOWNERS' ASSOCIATION, INC. at any time. Pickup trucks are prohibited unless kept at all times completely inside an enclosed garage.

Section 5: [Article XI, Section 11.3] Florida-Friendly Landscaping and Backyard Storage

Every Lot at LA FONTANA HOMEOWNERS' ASSOCIATION, INC. must be sodded with 100% St. Augustine sod only, and xeriscaping is prohibited. Furthermore, no storage shed, artificial turf, vegetable garden, or boat may be stored in a fenced backyard even if not visible from the street or adjacent parcels.

Section 6: [Rule 4.1] Trash Receptacles and Holiday Decorations

At LA FONTANA HOMEOWNERS' ASSOCIATION, INC., trash and recycling receptacles may be placed at the curb only on the day designated for pickup and any container set out the night before collection shall be subject to an immediate \$50.00 fine. Holiday decorations left up past January 5 shall be subject to an immediate daily fine without prior written notice.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

**Sec. Article IX, Section 9.2 (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:

Covenant Enforcement Fines and Suspensions - At LA FONTANA HOMEOWNERS' ASSOCIATION, INC., the Board of Directors may summarily impose a fine of up to \$150.00 per violation per day against any Owner or tenant after giving 7 days notice of the violation, with any hearing conducted before the Board of Directors rather than an independent committee, and any unpaid fine shall become a continuing lien against the Lot 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.

ISSUE #1