

ISSUE #1

such parcels within 60 days after receipt of a statement therefor. If any owner fails to pay such assessments within such 60 day period, the assessment shall become a lien on such Owner's parcel. The rights of Sun n Lakes contained in this Article IV shall be in addition to any other rights Sun n Lakes may have in regulating the operation and development of the community, but shall also be subject to any applicable judicial or legislative restrictions,

MARKUP #1 ->

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

Sec. IV (p. 3): Official records inspection timeframe (60 days) exceeds the statutory 10-working-day maximum.

Statutory / Legal Reference: Fla. Stat. § 720.303(5)

Statutory Comparison: Florida Statutes (Fla. Stat. § 720.303(5)) require associations to make official records available for inspection within 10 working days after receipt of a written request, and expressly grant owners the right to use a smartphone, tablet, or portable scanner to make electronic copies at no charge.

CURRENT WORDING IN DOCUMENT:

OFFICIAL RECORDS BOOK 2514 PAGE 1812 such parcels within 60 days after receipt of a statement therefor. If any owner fails to pay such assessments within such 60 day period, the assessment shall become a lien on such Owner's parcel. The rights of Sun n Lakes contained in this Article IV shall be in addition to any other rights Sun n Lakes may have in regulating the operation and development of the community, but shall also be subject to any applicable judicial or legislative restrictions,

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 720.303(5), official records shall be made available for inspection within 10 working days after receipt of a written request. Owners and their authorized representatives may use a portable device, including a smartphone or scanner, to take photographs or electronic copies of official records at no charge.

ARTICLE V

MAINTENANCE & ASSESSMENTS

The Association shall have the duty and responsibility to do the following:

- A. To maintain the entrance landscaping including lawn, palm trees, magnolia trees, shrubbery along the entrance wall, the guard house, the entrance wall, signs and the areas around the cul-de-sacs at the end of Sugar Bay and Friars Cove streets and entrance signs.
- B: To maintain gates in working order, at both the Magnolia Place entrance and at the Cecelia Avenue exit.
- C: To maintain all private roads within the properties.
- D. To do such other things and take such other actions as may reasonably be required to promote the health, safety and welfare of the residents
- E. Approval for expenses: The Association shall not incur and the Association Expenses shall not include, any expense for the services of any architect, engineer, contractor or other consultant engaged by the Association to evaluate or render an opinion on, the condition or quality of, or conformity to any plans and specifications or governmental laws the condition of such improvements poses a patent, immediate and substantial threat to the safety of the owners. Such expense is approved by voting members representing at least seventy five (75%) of the Association's membership voting rights, as determined pursuant to Article III. This Article V, E shall not be amended unless such amendment is approved by the percentage of votes and pursuant to the same procedures necessary to approve any such expense as provided above.
- F. To accomplish any or all of the foregoing, the Association may assess each owner an amount, determined by the Board of Directors, and all owners of lots within Magnolia Place shall be obligated to pay a proportionate share of the cost of the foregoing services and other