

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 V, Section 5.6] Lakefront and Backyard Storage Restrictions

No kayaks, canoes, paddleboards, utility trailers, or storage containers may be stored in any side yard or fenced backyard, even when completely screened from view of the street, lake, and neighboring Lots.

Section 4: [Article V, Section 5.9] Hurricane Shutter Installation and Removal

Permanent storm shutters of any kind are prohibited on front elevations unless painted to match the exact stucco color and approved by the ARC. Hurricane shutters may only be closed when a Hurricane Warning is active for Miami-Dade County and must be opened within twenty-four (24) hours after the Warning expires.

Section 5: [Article VIII, Section 8.3] Fining Procedure and Burden to Request Hearing

Upon determining that an Owner has violated the Declaration or Rules, the Board may impose a fine of \$100.00 per day. The fine is automatically imposed unless the Owner delivers a written request for a hearing within ten (10) days of the date the violation letter is mailed.

Section 6: [Article IV, Section 4.7] Election of Directors by General Proxy

Directors shall be elected at the Annual Meeting by a majority of votes cast in person or by general proxy, and no Member may hold more than three (3) proxies.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article V, Section 5.9 (p. 1): Clause purports to prohibit or arbitrarily deny hurricane protection systems.

Statutory / Legal Reference: Fla. Stat. § 718.113(5) (HB 1021)

Statutory Comparison: Under Fla. Stat. § 718.113(5) (HB 1021), association boards are legally required to adopt hurricane protection specifications and cannot prohibit owners from installing hurricane shutters, impact glass, or code-compliant storm mitigation hardware.

CURRENT WORDING IN DOCUMENT:

Hurricane Shutter Installation and Removal - Permanent storm shutters of any kind are prohibited on front elevations unless painted to match the exact stucco color and approved by the ARC. Hurricane shutters may only be closed when a Hurricane Warning is active for Miami-Dade County and must be opened within twenty-four (24) hours after the Warning expires.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Owners may install hurricane shutters, impact glass, or other hurricane protection products complying with the Florida Building Code and the Association's adopted specifications, pursuant to Fla. Stat. § 718.113(5) (HB 1021).

ISSUE #1