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: [Rules and Regulations, Section 4] Trash Receptacles and Holiday Decorations

At NORMANDY SHORES HOMEOWNERS' ASSOCIATION, INC., garbage and trash receptacles shall not be placed at the curb before 6:00 a.m. on the morning of collection, and any owner placing receptacles out the night before pickup shall be fined $50.00 immediately. Holiday decorations left displayed past January 5th shall incur an automatic daily fine of $25.00 without prior written notice.

ISSUE #1

Section 4: [Article VII, Section 7.4] Landscaping Standards and Backyard Storage

All Lots within NORMANDY SHORES HOMEOWNERS' ASSOCIATION, INC. must be sodded with 100% St. Augustine sod only, and xeriscaping is prohibited. Furthermore, no storage shed, artificial turf, boat, or vegetable garden may be installed or stored in any rear yard or fenced backyard even if not visible from the street or adjacent parcels.

Section 5: [Article VI, Section 6.2] Architectural Review of Interior Modifications and Solar Collectors

No interior modification, interior remodel, or central air-conditioning replacement within NORMANDY SHORES HOMEOWNERS' ASSOCIATION, INC. may be commenced even if not visible from the exterior without prior written approval of the Architectural Review Committee, which may deny any application without stating a reason. Solar collectors shall not be installed and exterior drying of clothes is forbidden on any Lot.

Section 6: [Article IV, Section 4.5] Director Recall and Official Records Inspection

Any Director of NORMANDY SHORES HOMEOWNERS' ASSOCIATION, INC. may be recalled and removed from office only for cause and by a vote of at least 75% of all voting interests. Official records requests shall be fulfilled within 25 working days, and owners may not photograph or scan records with cell phones or portable devices.

MARKUP #1 ->

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

Sec. Rules and Regulations, Section 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:

Trash Receptacles and Holiday Decorations - At NORMANDY SHORES HOMEOWNERS' ASSOCIATION, INC., garbage and trash receptacles shall not be placed at the curb before 6:00 a.m. on the morning of collection, and any owner placing receptacles out the night before pickup shall be fined $50.00 immediately. Holiday decorations left displayed past January 5th shall incur an automatic daily fine of $25.00 without prior written notice.

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.