

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 5.4] Recall and Removal of Directors

Any member of the Board of Administration of ONE BAY HARBOR CONDOMINIUM ASSOCIATION, INC. may only be recalled or removed from office only for cause and by a vote of at least 75% of all voting interests in the Condominium at a special meeting called for that purpose.

ISSUE #1

Section 4: [Article X, Section 10.4] Delinquent Assessments, Interest, and Late Charges

Any assessment installment owed to ONE BAY HARBOR CONDOMINIUM ASSOCIATION, INC. not paid within 10 days after its due date shall bear interest at the rate of 24% per annum from the due date until paid and shall incur an administrative late fee of \$75.00 or 10% of the delinquent assessment installment, after which the Association may record a claim of lien and foreclose the lien with attorney's fees without further notice.

Section 5: [Rules and Regulations, Section 11] Prohibition on Electric Vehicle Charging and Solar Collectors

No Unit Owner or resident at ONE BAY HARBOR CONDOMINIUM ASSOCIATION, INC. may install an electric vehicle charging station or EV charger in any limited common element parking space, and solar panels are prohibited and solar collectors shall not be installed on any portion of the Condominium property.

Section 6: [Article VII, Section 7.2] Conduct of Board and Member Meetings

At all meetings of the Board of Administration and Unit Owners of ONE BAY HARBOR CONDOMINIUM ASSOCIATION, INC., video recording of board or member meetings is strictly prohibited, and owners may not record proceedings or address the Board beyond a speaking limit of 1 minute per agenda item.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article V, Section 5.4 (p. 1): Director recall/removal clause requires a supermajority (>50% + 1) vote or "for cause" justification, conflicting with Florida's mandatory majority recall right.

Statutory / Legal Reference: Fla. Stat. § 718.112(2)(j) & F.A.C. Rules 61B-23.0027 - 61B-23.0028

Statutory Comparison: Under Fla. Stat. § 718.112(2)(j) & F.A.C. Rules 61B-23.0027 - 61B-23.0028, any member of the board of directors may be recalled and removed from office with or without cause by the vote or agreement in writing of a majority (50% plus one) of all voting interests. Governing document provisions requiring a 67%, 75%, or other supermajority threshold or restricting recall to "for cause" grounds are void and unenforceable under Florida law and DBPR recall arbitration precedent.

CURRENT WORDING IN DOCUMENT:

Recall and Removal of Directors - Any member of the Board of Administration of ONE BAY HARBOR CONDOMINIUM ASSOCIATION, INC. may only be recalled or removed from office only for cause and by a vote of at least 75% of all voting interests in the Condominium at a special meeting called for that purpose.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 718.112(2)(j) & F.A.C. Rules 61B-23.0027 - 61B-23.0028, any member of the Board of Directors may be recalled and removed from office with or without cause by the vote or written recall agreement of a simple majority of all voting interests, in accordance with the recall and DBPR arbitration procedures set forth in the Florida Statutes and Florida Administrative Code.