

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 XVII, Section 17.2] Sale and Lease Application Fees and Security Deposit

Each application for approval of a sale, lease, or gift transfer of a Unit shall be accompanied by a non-refundable screening fee of \$500.00 per applicant, and for any lease, the Unit Owner or tenant must deposit with the Association a Common Element damage deposit equal to two (2) months' rent.

Section 4: [Article VI, Section 6.5] Waiver of Structural Integrity Reserves

The Board of Administration shall establish reserve accounts for capital expenditures and deferred maintenance; however, the Unit Owners may by a majority vote of voting interests present at a duly called meeting waive or reduce the funding of all reserve items, including structural integrity reserve study (SIRS) component.

Section 5: [Article XVIII, Section 18.3] Fines, Suspensions, and Lien Enforcement

The Board of Administration may levy a fine not to exceed \$250.00 per violation or \$2,500.00 in the aggregate against any Unit Owner or occupant. Such fine shall be deemed a special individual assessment against the Unit and shall be secured by the Association's continuing lien under Article XIII.

Section 6: [Article IX, Section 9.11] Electric Vehicle Charging Stations in Assigned Parking Spaces

No Unit Owner may install an electric vehicle charging station in the Owner's assigned limited common element garage parking space without the affirmative vote of seventy-five percent (75%) of all Unit Owners in the Condominium.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article XVII, Section 17.2 (p. 1): Screening/transfer fee of \$500 exceeds statutory \$150 maximum limit.

Statutory / Legal Reference: Fla. Stat. § 718.112(2)(i)

Statutory Comparison: Florida Statute § 718.112(2)(i) limits transfer and screening fees to a maximum of \$150 per applicant (excluding married couples or parent/child applicants where only a single fee may be charged).

CURRENT WORDING IN DOCUMENT:

Sale and Lease Application Fees and Security Deposit - Each application for approval of a sale, lease, or gift transfer of a Unit shall be accompanied by a non-refundable screening fee of \$500.00 per applicant, and for any lease, the Unit Owner or tenant must deposit with the Association a Common Element damage deposit equal to two (2) months' rent.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Sale and Lease Application Fees and Security Deposit - Each application for approval of a sale, lease, or gift transfer of a Unit shall be accompanied by a non-refundable screening fee of \$150 per applicant, and for any lease, the Unit Owner or tenant must deposit with the Association a Common Element damage deposit equal to two (2) months' rent.

ISSUE #1