

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 VI, Section 6.2] Architectural Review of Interior Modifications and Solar Collectors

No interior modification, interior remodel, or central air-conditioning replacement within PALM CAY COMMUNITY 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 4: [Article IV, Section 4.5] Director Recall and Official Records Inspection

Any Director of PALM CAY COMMUNITY 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.

Section 5: [Article V, Section 5.3] Delinquent Assessment Interest, Late Fees, and Estoppel Certificates

Delinquent assessments owed to PALM CAY COMMUNITY ASSOCIATION, INC. not paid within 10 days shall accrue interest at 24% per annum and incur a late charge of \$65.00 or 10% of each installment, and the Association may record a claim of lien and foreclose the lien with attorney's fees without further notice. Estoppel certificates shall be issued within 20 business days of request for a non-refundable fee of \$425.00.

Section 6: [Article III, Section 3.9] Member Meeting Notice and Recording Prohibition

Annual and special meetings of the Members of PALM CAY COMMUNITY ASSOCIATION, INC. may be called upon 7 days' notice. Video recording of board or member meetings is prohibited, owners may not record proceedings, and nominations from the floor are prohibited at all election meetings.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article VI, Section 6.2 (p. 1): Covenant prohibits solar energy collectors in direct violation of Fla. Stat. § 163.04.

Statutory / Legal Reference: Fla. Stat. § 163.04

Statutory Comparison: Florida Statute § 163.04 renders null, void, and unenforceable any deed restriction, covenant, or rule that prohibits or has the effect of prohibiting solar collectors, clotheslines, or other energy devices based on renewable resources.

CURRENT WORDING IN DOCUMENT:

Architectural Review of Interior Modifications and Solar Collectors - No interior modification, interior remodel, or central air-conditioning replacement within PALM CAY COMMUNITY 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.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 163.04, solar collectors and clotheslines shall not be prohibited, subject only to reasonable architectural guidelines regarding placement that do not impair performance.

ISSUE #1