

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 IX, Section 9.1] Hurricane Protection Standards and Owner Installation Rights

Pursuant to Fla. Stat. § 720.3035(6), the Board of Directors has adopted uniform hurricane protection specifications for Villa units, including accordion shutters, roll-down shutters, and code-approved impact-resistant windows and doors. The Association shall not deny any Owners architectural request to install or replace hurricane protection that complies with the Florida Building Code and the Associations adopted color and style specifications.

Section 4: [Article VI, Section 6.4] Reserve Accounts and Statutory Disclosure in Financial Statements

If the Association establishes or maintains statutory reserve accounts for capital expenditures and deferred maintenance pursuant to Fla. Stat. § 720.303(6)(d), such reserves shall be funded unless waived or reduced by a majority vote of the total voting interests at a duly called meeting. If reserve accounts are not established by the developer or vote of the Members, the annual budget and financial report must include the boldfaced statutory disclaimer mandated by Fla. Stat. § 720.303(6)(c).

Section 5: [Article X, Section 10.7] Fining and Suspension Hearing Procedure

No fine or suspension of common facility use rights may be imposed unless the Board provides at least fourteen (14) days written notice to the Owner and occupant and an opportunity for a hearing before an independent Fining Committee of at least three (3) Members appointed by the Board who are not officers, directors, or employees of the Association or related to them as defined in Fla. Stat. § 720.305(2). No fine may exceed \$100.00 per violation, or \$1,000.00 in the aggregate.

Section 6: [Article III, Section 3.8] Member Right to Speak and Record Board Meetings

All meetings of the Board of Directors at which a quorum of the Board is present shall be open to all Members, except for meetings between the Board and its attorney regarding proposed or pending litigation or personnel matters. Pursuant to Fla. Stat. § 720.303(2)(b) and § 720.306(10), Members have the right to attend all open Board meetings, speak for at least three (3) minutes on any agenda item, and tape-record or videotape meetings subject to reasonable rules.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article VI, Section 6.4 (p. 1): Outdated reserve waiver clause contradicts mandatory post-milestone SIRS requirements.

Statutory / Legal Reference: Fla. Stat. § 718.112(2)(f) (HB 1021)

Statutory Comparison: Effective under HB 1021, condominium and cooperative associations cannot waive or reduce reserves for items required by a Structural Integrity Reserve Study (SIRS), nor use structural reserve funds for non-scheduled purposes without statutory exemptions.

CURRENT WORDING IN DOCUMENT:

Reserve Accounts and Statutory Disclosure in Financial Statements - If the Association establishes or maintains statutory reserve accounts for capital expenditures and deferred maintenance pursuant to Fla. Stat. § 720.303(6)(d), such reserves shall be funded unless waived or reduced by a majority vote of the total voting interests at a duly called meeting.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Reserve Accounts and Statutory Disclosure in Financial Statements - If the Association establishes or maintains statutory reserve accounts for capital expenditures and deferred maintenance pursuant to, such reserves shall be funded unless waived or reduced by a majority vote of the total voting interests at a duly called meeting. If reserve accounts are not established by the developer or vote of the Members, the annual budget and financial report must include the boldfaced statutory disclaimer mandated by [MANDATORY STATUTORY RESTRICTION]: Provided, however, that reserve funding for components covered by a Structural Integrity Reserve Study (SIRS) pursuant to Fla. Stat. § 718.112(2)(g) cannot be waived, reduced, or used for any purpose other than their designated structural replacement.

ISSUE #1