

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 X, Section 10.4] Driveway Parking and Prohibition on Pickup Trucks

Within PAN AMERICAN WEST PROPERTY OWNERS' ASSOCIATION, INC. in Miami, Florida, no pickup trucks, work vans, or commercial vehicles bearing company lettering shall be parked overnight on any Lot driveway or street. All pickup trucks are prohibited unless kept at all times completely inside an enclosed garage.

Section 4: [Article XII, Section 12.1] Fining Procedure and Continuing Lien for Fines

The Board of Directors of PAN AMERICAN WEST PROPERTY OWNERS' ASSOCIATION, INC. may summarily impose a fine of up to \$100.00 per day against any Owner for a violation of the Governing Documents after giving seven (7) days' notice without a hearing before an independent committee. Any unpaid fine of \$250.00 or more shall become a continuing lien against the Lot enforceable by foreclosure.

Section 5: [Rules & Regulations, Section 6.2] Trash & Recycling Container Placement Schedule

Garbage and recycling receptacles in PAN AMERICAN WEST PROPERTY OWNERS' ASSOCIATION, INC. may be placed at the curb only on the day designated for pickup and must not be set out the night before collection. Any Owner whose trash receptacle is placed out prior to 6:00 a.m. on the morning of collection shall be assessed an immediate \$50.00 violation fine.

Section 6: [Article VII, Section 7.3] Official Records Inspection and Copying

The official records of PAN AMERICAN WEST PROPERTY OWNERS' ASSOCIATION, INC. shall be made available for inspection by a Parcel Owner within twenty-five (25) business days after receipt of a written request. Parcel Owners may not photograph or scan official records using a cell phone or portable device during an inspection.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article VII, Section 7.3 (p. 1): Official records rule unlawfully prohibits owners from scanning or photographing records with a portable device.

Statutory / Legal Reference: Fla. Stat. § 718.111(12)(c)

Statutory Comparison: Florida Statutes (Fla. Stat. § 718.111(12)(c)) require associations to make official records available for inspection within 10 working days after receipt of a written request, and expressly grant owners the right to use a smartphone, tablet, or portable scanner to make electronic copies at no charge.

CURRENT WORDING IN DOCUMENT:

Official Records Inspection and Copying - The official records of PAN AMERICAN WEST PROPERTY OWNERS' ASSOCIATION, INC. shall be made available for inspection by a Parcel Owner within twenty-five (25) business days after receipt of a written request. Parcel Owners may not photograph or scan official records using a cell phone or portable device during an inspection.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 718.111(12)(c), official records shall be made available for inspection within 10 working days after receipt of a written request. Owners and their authorized representatives may use a portable device, including a smartphone or scanner, to take photographs or electronic copies of official records at no charge.

ISSUE #1