



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. VIII (p. 9): Fining provision permits the Board to impose a fine without majority approval of an independent 3-member fining committee free of officers, directors, employees, and their immediate relatives.

Statutory / Legal Reference: Fla. Stat. § 718.303(3)(b)

Statutory Comparison: Under Fla. Stat. § 718.303(3)(b), a fine or suspension levied by the board of administration/directors may not be imposed unless the owner is provided at least 14 days' written notice and an opportunity for a hearing before an independent committee of at least three (3) members appointed by the board who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. If the committee does not approve the proposed fine or suspension by a majority vote, it may not be imposed.

CURRENT WORDING IN DOCUMENT:

COMPLIANCE, DEFAULT AND REMEDIES The Board of Directors may levy fines against a Unit for the failure of the Owner of such Unit, or its occupant, licensee or invitee, to comply with any provision of the Condominium Documents or the Rules and Regulations.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 718.303(3)(b), no fine or suspension levied by the Board may be imposed unless approved by a majority vote of an independent fining committee of at least three (3) members appointed by the Board who are not officers, directors, or employees of the Association, nor the spouse, parent, child, brother, or sister of an officer, director, or employee, following at least fourteen (14) days' written notice of the hearing.

ISSUE #1

ARTICLE VII
RULES AND REGULATIONS

The Board of Directors may, from time to time, adopt and amend administrative Rules and Regulations governing the use, maintenance, management and control of the Units, Limited Common Elements and Common Elements and the operation of the Association. Copies of such Rules and Regulations shall be furnished to each Owner upon the adoption of the Rules and Regulations, and any amendments thereto. Any Rule or Regulation created and imposed by the Board must be reasonably related to the promotion of health, happiness and peace of mind of the Owners, and uniformly applied and enforced.

ARTICLE VIII
COMPLIANCE, DEFAULT AND REMEDIES

The Board of Directors may levy fines against a Unit for the failure of the Owner of such Unit, or its occupant, licensee or invitee, to comply with any provision of the Condominium Documents or the Rules and Regulations. Each day of a continuing violation shall be a separate violation. Fines shall be in ~~reasonable amounts deemed necessary by the Board to deter future violations, but in no event shall any~~ fine exceed the maximum amount allowed by law. No fine may become a lien against a Unit, unless otherwise authorized by the Condominium Act, as amended from time to time.

ARTICLE IX
AMENDMENT OF BYLAWS

Except as otherwise provided in the Declaration, amendments to these Bylaws may be proposed and adopted in the following manner:

9.1 Proposal. Amendments to these Bylaws may be proposed by a majority of the Board, or by written petition to the Board signed by at least twenty (20%) percent of the Voting Interests.

9.2 Vote Required. Except as otherwise provided by law, or by specific provision of the Condominium Documents, these Bylaws may be amended if the proposed amendment is approved by at least a majority of the Voting Interests of the Association, or if approved in writing by a majority of the total Voting Interests without a meeting, provided that notice of any proposed amendment has been given to the Members and that the notice contains the text of the proposed amendment.

9.3 Recording; Effective Date. A copy of each adopted amendment shall be attached to a certificate that the amendment was duly adopted, which certificate shall be executed by the President or Vice President of the Association with the formalities of a deed. The amendment is effective when the certificate and copy of the amendment are recorded in the Public Records of Manatee County. The certificate must identify the Instrument Number in the Public Records where the Declaration is recorded.

ARTICLE X
MISCELLANEOUS

10.1 Official Records. The Association shall maintain as its Official Records those items required to be maintained by the Condominium Act, as it may be amended from time to time.