

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 VIII, Section 8.7] Driveway Parking of Pickup Trucks and Work Vehicles

No pickup truck, commercial vehicle, work van, or vehicle with external equipment or commercial lettering may be parked in any driveway or street in Plymouth Creek Estates between the hours of 9:00 PM and 7:00 AM. Violating vehicles may be towed directly from the Owner's driveway without prior notice.

Section 4: [Article IX, Section 9.3] Architectural Review Denial and Hurricane Protection

The Architectural Review Board (ARB) may deny any application for exterior alterations, including permanent hurricane shutters or impact windows, purely on aesthetic grounds without citing any specific covenant provision, and all ARB decisions shall be final and unappealable.

Section 5: [Article XI, Section 11.2] Fining Procedure and Lien Below \$1,000

The Board of Directors may impose a fine of \$100.00 per day up to \$2,000.00 for any violation of the Governing Documents. Fines are effective seven (7) days after notice unless the Owner requests a hearing before the Board, and any unpaid fine of \$300.00 or more shall become a lien on the Lot.

Section 6: [Article VIII, Section 8.14] Backyard Storage and Trash Receptacle Timing

ISSUE #1

On the property, ladders, wheelbarrows, or recreational items may be stored in any backyard, even if enclosed by an approved six-foot opaque fence. Trash receptacles placed at the curb more than twelve (12) hours before collection or remaining more than twelve (12) hours after collection shall incur an automatic \$25.00 fine.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article XI, Section 11.2 (p. 1): Fining clause allows board to levy fines without statutory 14-day notice or independent committee hearing.

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

Statutory Comparison: Under the Florida Condominium Act (Fla. Stat. § 718.303(3)(b)), no fine or suspension may be imposed without at least 14 days' written notice to the owner and an opportunity for a hearing before an independent committee of at least three (3) members who are not board members, officers, employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee.

CURRENT WORDING IN DOCUMENT:

Fining Procedure and Lien Below \$1,000 - The Board of Directors may impose a fine of \$100.00 per day up to \$2,000.00 for any violation of the Governing Documents. Fines are effective seven (7) days after notice unless the Owner requests a hearing before the Board, and any unpaid fine of \$300.00 or more shall become a lien on the Lot.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 718.303(3)(b), a fine or suspension may not be imposed without at least 14 days' written notice to the owner 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, nor 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, the proposed fine or suspension may not be imposed.