

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 8.4] Prohibition of Pickup Trucks and Work Vehicles in Driveways

No pickup truck, panel van, sport utility truck, work vehicle, or vehicle bearing any commercial name, logo, or tool rack shall be parked overnight on any Lot driveway or street within Rocky Bayou Estates unless kept completely inside an enclosed garage with the door closed. The Association may tow any non-compliant vehicle directly from a Lot driveway after twenty-four (24) hours' notice at the Owner's expense.

Section 4: [Article X, Section 10.3] Backyard Storage and Screening Restrictions

No utility trailer, boat, kayak, paddleboard, lawn equipment, or storage shed may be kept or stored anywhere on a Lot outside of the main residential garage, even if located in the rear yard behind a six-foot (6') opaque privacy fence and completely invisible from any street or neighboring Lot.

Section 5: [Article XI, Section 11.1] Covenant Enforcement Fines and Lien Rights

The Board of Directors may assess a fine of \$100.00 per day without cap against any Owner for a violation of these Covenants. The fine shall take effect ten (10) days after the Board mails a notice of violation unless the Owner delivers a written appeal to the Board within ten (10) days. All unpaid fines of \$250.00 or more shall automatically become a continuing lien on the Lot enforceable by foreclosure.

Section 6: [Architectural Guidelines, Section 5.2] Solar Energy Collectors and Roof Panel Placement

No solar panels or solar energy collectors may be installed on any roof slope facing a street or golf course. The Architectural Control Committee may deny any solar installation if, in the Committee's sole aesthetic judgment, the panels would detract from neighborhood character, regardless of whether an alternative roof orientation reduces system efficiency.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article XI, Section 11.1 (p. 1): 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:

Covenant Enforcement Fines and Lien Rights - The Board of Directors may assess a fine of \$100.00 per day without cap against any Owner for a violation of these Covenants. The fine shall take effect ten (10) days after the Board mails a notice of violation unless the Owner delivers a written appeal to the Board within ten (10) days. All unpaid fines of \$250.00 or more shall automatically become a continuing lien on the Lot enforceable by foreclosure.

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