

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 XI, Section 11.2] Rear Yard Storage and Non-Visible Improvements

No storage shed, artificial turf, vegetable garden, boat, or recreational vehicle may be installed or stored in the backyard or fenced rear yard of any Lot in SMATHERS FOUR FILLIES FARM OWNERS ASSOCIATION, INC., even if not visible from the street or adjacent parcels.

Section 4: [Article V, Section 5.6] Delinquent Assessments, Late Charges, and Lien Foreclosure

Any assessment installment in SMATHERS FOUR FILLIES FARM OWNERS ASSOCIATION, INC. not paid within ten (10) days after the due date shall accrue interest at twenty-one percent (21%) per annum and a late charge of \$50.00 or ten percent (10%) of the overdue assessment. Upon default in payment, the Association may immediately file a lien and bring an action to foreclose the lien without further notice.

Section 5: [Article III, Section 3.4] Member Meeting Notice and Recording Policy

Written notice of annual and special meetings of the Members of SMATHERS FOUR FILLIES FARM OWNERS ASSOCIATION, INC. shall be sent at leastten (10) days Notice - specifically 7 days' notice prior to the meeting date. Audio or video recording of Board or Member meetings by any Parcel Owner is forbidden.

Section 6: [Article XVI, Section 16.1] Duration and Automatic Renewal of Covenants

The covenants and restrictions of this Declaration for SMATHERS FOUR FILLIES FARM OWNERS ASSOCIATION, INC. shall run with and bind the land for a term of fifty (50) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years in perpetuity.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article III, Section 3.4 (p. 1): Meeting rule unlawfully prohibits owners from audio or video recording association meetings.

Statutory / Legal Reference: Fla. Stat. § 718.112(2)(c) (HB 1021) & F.A.C. Rule 61B-23.002(9)-(10)

Statutory Comparison: Under Fla. Stat. § 718.112(2)(c) (as amended by HB 1021, effective July 1, 2024) and F.A.C. Rule 61B-23.002, every unit owner has the statutory right to attend and speak on all designated agenda items, to tape-record or videotape open meetings, and (for condominiums with >10 units) to ask questions of the Board at least four times per year regarding construction/repair projects, revenues/expenditures, and condominium operations. Conditioning the statutory right to speak or record on filing a written request 48 hours before the meeting commences - when board notices and agendas themselves may be posted only 48 hours prior - creates an unenforceable procedural barrier.

CURRENT WORDING IN DOCUMENT:

Member Meeting Notice and Recording Policy - Written notice of annual and special meetings of the Members of SMATHERS FOUR FILLIES FARM OWNERS ASSOCIATION, INC. shall be sent at leastten (10) days Notice - specifically 7 days' notice prior to the meeting date. Audio or video recording of Board or Member meetings by any Parcel Owner is forbidden.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 718.112(2)(c) (HB 1021) & F.A.C. Rule 61B-23.002(9)-(10), any owner may audio or video record open meetings of the Board or Membership and shall have the right to speak for at least three (3) minutes on any designated agenda item at the meeting without a 48-hour pre-filing forfeit.

ISSUE #1