

Sec. 3 (p. 1): Declaration references Florida Statutes without express Kaufman language ("as amended from time to time"), risking unconstitutional impairment of contract challenges upon statutory changes.

Statutory / Legal Reference: Kaufman v. Shere, 347 So. 2d 627 (Fla. 3d DCA 1977); Cohn v. Grand Condo. Ass'n, 62 So. 3d 1120 (Fla. 2011)

Statutory Comparison: Under Florida Supreme Court precedent (Cohn), legislative amendments that impair vested contract rights cannot be applied retroactively to an existing community unless the Declaration contains express language adopting the statute "as amended from time to time" (the Kaufman doctrine).

CURRENT WORDING IN DOCUMENT:

Definitions: the terms used in the Declaration and the Exhibits hereto, including the Articles of Incorporation and Bylaws of South Bridge Park Condominium Association, Inc. No. 2, a Florida corporation not for profit, shall be defined in accordance with the Condominium Act, the provisions of which are incorporated herein by reference and include the following definitions:

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

In accordance with Kaufman v. Shere, amend the governing law clause to read: "...governed by Chapter 718 [or 720], Florida Statutes, as the same exists on the date hereof and as the same may be amended from time to time."

This instrument prepared by:
Sharon S. Vander Wulp
Attorney at Law
712 Shamrock Blvd.
Venice, FL 34293

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2018035060 2 PG(S)
March 19, 2018 04:14:33 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FL

CERTIFICATE OF AMENDMENT
TO THE
DECLARATION OF CONDOMINIUM
OF

SOUTH BRIDGE PARK No. 2, a condominium

SOUTH BRIDGE PARK CONDOMINIUM ASSOCIATION, INC., its address being c/o Keys-Caldwell, Inc., 1162 Indian Hills Blvd., Venice, FL 34293, Sarasota County, by the hands of the undersigned hereby certify that:

The Declaration of Condominium of South Bridge Park No. 2, a condominium, is recorded in Official Record Official Record Book 1818, page 2607, et seq., of the Public Records of Sarasota County, Florida. The following amendments to the Declaration of Condominium were submitted to the entire membership of the Association at its meeting called and held on the 13th day of November, 2017, and approved by affirmative vote of not less than 2/3rds of the entire membership of the Board of Directors and by an affirmative vote of not less than a majority of the Owners of Units in South Bridge Park No. 2, a condominium. as required by the Declaration of Condominium.

1. Article 3 , Definitions, initial paragraph and paragraph 3.2, is hereby amended to read as follows:

3. Definitions: the terms used in the Declaration and the Exhibits hereto, including the Articles of Incorporation and Bylaws of South Bridge Park Condominium Association, Inc. ~~No. 2~~, a Florida corporation not for profit, shall be defined in accordance with the Condominium Act, the provisions of which are incorporated herein by reference and include the following definitions: