

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 IX, Section 9.5] Hurricane Shutters and Exterior Storm Protection

To preserve the uniform architectural appearance of the Gulf-front building exterior, no Unit Owner shall install exterior hurricane shutters, accordion shutters, roll-down storm screens, or laminated impact glass without the unanimous written consent of the Board of Administration. Where the Association contracts for building-wide window or shutter replacement, no Unit Owner shall receive any credit or offset against the special assessment for previously installed hurricane protection.

Section 4: [Article III, Section 3.6] Election of Directors by General Proxy and Nominating Committee

At least sixty (60) days prior to the annual meeting, the Board of Administration shall appoint a Nominating Committee to select qualified candidates for the Board.

ISSUE #1 Nominations from the floor or self-nominations outside the Nominating Committee slate shall not be permitted, and Unit Owners may cast their votes for directors in person or by general or limited proxy.

Section 5: [Article XI, Section 11.4] Pet Weight Limit and Assistance Animal Requirements

Only one (1) domestic dog or cat weighing no more than twenty (20) pounds at maturity may be kept in any Condominium Unit. Any Unit Owner or occupant seeking to keep an emotional support animal or service animal exceeding the twenty (20) pound weight limit must obtain prior Board approval, pay a \$200.00 non-refundable pet registration fee, and provide a \$500,000 liability insurance policy naming the Association as additional insured.

Section 6: [Article VII, Section 7.2] Waiver of Structural and Capital Reserves

Notwithstanding the multi-story construction of the Condominium building, the unit owners may at any annual or special meeting, by a majority vote of a quorum present in person or by proxy, waive or partially fund all reserve accounts including roof, structural, waterproofing, and exterior painting reserves.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article III, Section 3.6 (p. 1): Clause unlawfully permits proxy voting in Condominium/Cooperative director elections where secret written ballots are mandatory.

Statutory / Legal Reference: Fla. Stat. § 718.112(2)(d)4.a. & § 718.112(2)(b)2.

Statutory Comparison: Under Fla. Stat. § 718.112(2)(d)4.a. and (2)(b)2., proxies may never be used in the election of board members (which must be conducted by secret written ballot or authorized electronic voting), any eligible unit owner may self-nominate at least 40 days prior to the election, and unit owners may not vote by general proxy on substantive matters.

CURRENT WORDING IN DOCUMENT:

Election of Directors by General Proxy and Nominating Committee - At least sixty (60) days prior to the annual meeting, the Board of Administration shall appoint a Nominating Committee to select qualified candidates for the Board. Nominations from the floor or self-nominations outside the Nominating Committee slate shall not be permitted, and Unit Owners may cast their votes for directors in person or by general or limited proxy.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 718.112(2)(d)4.a. & § 718.112(2)(b)2., proxies shall not be used in electing the Board of Administration; directors shall be elected by secret written ballot (or authorized electronic voting), every eligible owner may self-nominate in writing at least 40 days before the election, and limited proxies shall be required for all substantive membership votes.