ISSUE #1

Section 1: [Bylaws Article VI, Section 6.3] Fining Committee Composition

The Covenant Enforcement and Fining Committee shall consist of three (3) members appointed by the President of the Association, one of whom shall be a member of the Board of Directors serving as Committee Liaison, and may include the spouse of a Director or an employee of the management company.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Clause permits disqualified persons (directors, officers, employees, or their immediate relatives) or fewer than 3 members on the fining committee.

Statutory / Legal Reference: Fla. Stat. § 720.305(2)(b)

Statutory Comparison: Under Fla. Stat. § 720.305(2)(b), a fine or suspension levied by the board may not be imposed unless approved by a majority vote of a 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, it may not be imposed.

CURRENT WORDING IN DOCUMENT:

[Bylaws Article VI, Section 6.3] Fining Committee Composition The Covenant Enforcement and Fining Committee shall consist of three (3) members appointed by the President of the Association, one of whom shall be a member of the Board of Directors serving as Committee Liaison, and may include the spouse of a Director or an employee of the management company.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 720.305(2)(b), the covenant enforcement/fining committee shall consist of at least three (3) members 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 a proposed fine or suspension by majority vote, the fine or suspension may not be imposed.