



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

If the Member does not request a hearing within the fourteen (14) days following notice, then the Compliance Committee may meet at any time thereafter without further notice to the Member, but shall comply with the notice provisions of Section 5.18 of these Bylaws.

- (d) **Committee Decision.** Compliance Committee shall meet and hold a hearing if one has been timely requested by the Member. At the conclusion of the hearing, if one has been requested, or during the meeting if no hearing is held, the Compliance Committee shall either approve or disapprove of the proposed fine. No fine may be imposed unless the Compliance Committee has approved of it.

ISSUE #1

- (e) **Fine.** Any fine approved by the Compliance Committee shall be assessed by the Board as a Special Charge against the Member and shall constitute a lien upon the Lot of such Member and may be foreclosed by the Association in the same manner as any other lien. Provided, however, that no fine may be levied in any event against the Declarant.

6.03 **Budgets and Assessments.** The Board shall levy Assessments and adopt budgets, and use and expend Assessments and other receipts of the Association to carry out the powers and duties of the Association pursuant to the Declaration and these Bylaws.

6.04 **Employment.** The Board may employ, dismiss, control and contract for personnel and contractors for the administration of the Association and the carrying out of the Association's responsibilities, including but not limited to managers, maintenance personnel, attorneys, accountants and other professionals, by employment or contract, as the Board may determine.

6.05 **Rules and Regulations.** The Board may adopt, amend and rescind reasonable rules and regulations relating to the administration of the Association and the use of the Common Property provided in the Declaration. Any rules or regulations adopted by the Board may be supplemented, amended, or rescinded by affirmative vote of the Owners of not less than two-thirds of the Lots in the Subdivision. Any rules or regulations approved by the Owners shall not thereafter be amended or rescinded except upon affirmative vote of the Owners of not less than two-thirds of the Lots in the Subdivision.

6.06 **Committees.** The Board may create and disband such committees as the Board may from time to time determine as reasonably necessary or useful, and may delegate such authority to such committees as may be reasonable in connection with the purpose. All committees shall keep records and conduct meetings in the same manner, to the extent applicable, as is required of the Board. Nothing contained herein shall restrict the authority of the President of the Association from appointing advisory committees not inconsistent with committees created by the Board.

ACCEPTED IN OPEN SESSION
9 BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY

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Sec. 5.18 (p. 48): HOA clause permits placing a lien on a parcel for unpaid fines without the statutory \$1,000 minimum threshold.

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

Statutory Comparison: Under Fla. Stat. § 720.305(2), a fine of less than \$1,000 may not become a lien against a parcel.

CURRENT WORDING IN DOCUMENT:

Board as a Special Charge against the Member and shall constitute a lien upon the Lot of such Member and may be foreclosed by the Association in the same manner as any other lien. Provided, however, that no fine may be levied in any event against the Declarant.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 720.305(2), a fine of less than \$1,000 may not become a lien against a parcel.

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