

MODEL GOVERNING DOCUMENTS

Declaration of Condominium · Bylaws · Articles of Incorporation

Developed under the auspices of COOCVE for independent 55+ condominium associations

WHAT THIS DOCUMENT IS

This overview presents representative excerpts from a comprehensive set of model governing documents — an Amended and Restated Declaration of Condominium and companion Amended and Restated Bylaws, and Amended and Restated Articles of Incorporation — developed to reflect current Florida law, modern governance best practices, and the practical realities of operating a 55+ condominium community within Century Village East.

The full documents span 29 articles (Declaration) and 11 articles (Bylaws), covering every aspect of community governance from ownership eligibility and assessment authority to structural reserves, transfer approval, and enforcement. The excerpts below are drawn from The Declaration and Bylaw documents to give prospective adopting associations a meaningful sense of the scope, tone, and drafting quality of the complete package.

IMPORTANT NOTICE

These are excerpts only. They are provided for evaluation purposes and do not constitute legal advice. Associations considering adoption should review the full documents with qualified Florida condominium counsel before any vote. The complete Declaration, Bylaws, and Articles are available upon request through COOCVE.

DECLARATION OF CONDOMINIUM — SELECTED EXCERPTS

Article 1.6 — Document Hierarchy

Why it matters: Eliminates ambiguity when documents conflict — a frequent source of board disputes.

In the event of conflict between the governing documents, the following order of precedence applies: (a) this Declaration of Condominium; (b) the Articles of Incorporation; (c) the Bylaws; and (d) the Rules and Regulations. If conflict exists between this Declaration and any provision of Florida law that cannot be reconciled, the mandatory provisions of law govern, and the remainder of this Declaration remains enforceable.

Article 6.1 — Maintenance and Repair Duties

Why it matters: Clearly delineates Association vs. Unit Owner responsibility — the most common source of neighbor and board disputes.

(a) Association Responsibilities. The Association must maintain, repair, and replace all Common Elements and conduct periodic inspections to ensure safety and compliance. Multi-Unit utility lines are Association responsibility.

(b) Unit Owner Responsibilities. Unit Owners must maintain, repair, and replace all Unit components including doors, windows, patios, electrical systems, HVAC, water heaters, appliances, plumbing, interior surfaces, and all caulking and sealants around exterior-facing windows and doors, as well as any utility lines that exclusively serve the Unit, regardless of their location. Unit Owners must prevent water intrusion, pests, mold, or damage to Common Elements or neighboring Units. Noncompliance authorizes Association repairs at the Unit Owner's expense.

Article 6.3(d) — Material Alteration Approval Thresholds

Why it matters: Provides clear financial thresholds that protect owners from unauthorized major expenditures while giving boards flexibility for routine work.

Material Alterations to the Common Elements that have an estimated cost exceeding the greater of \$25,000 or five percent (5%) of the total annual budget (including reserves) require both Board approval and sixty-seven percent (67%) approval of the total voting interests. Material Alterations with an estimated cost equal to or less than the cost threshold may be approved by a majority vote of the Board of Directors alone.

Article 11.4 — Enforcement Authority and Fines

Why it matters: Codifies a calibrated, legally defensible fine structure with escalation for serious violations.

The Association may enforce compliance through: (a) Fines. Fines do not exceed \$100 per violation (\$1,000 in the aggregate for continuing violations). The fine limit may be increased up to \$1,000 per violation for damage to Association property, Common Elements, or life safety violations. (b) Suspension of Rights. The Board may suspend Common Element use for rules violations or may suspend both use and voting rights for monetary delinquency. (c) Individual Special Assessments. Assessment of costs or damages resulting from violations. (d) Legal Action. Legal proceedings as permitted by law.

Article 12.1(b) — Transfer Denial Grounds

Why it matters: Gives boards a transparent, legally defensible set of criteria for approving or denying purchasers — reducing fair housing risk while preserving community standards.

The Board may deny approval for good cause, including: (i) Criminal History: Convictions for violent crimes, drug offenses, sex offenses, theft, fraud, or dishonesty (felonies within 10 years, misdemeanors within 7); (ii) Financial Capacity: Credit score below 700; bankruptcy within 7 years; foreclosure within 5 years; outstanding judgments exceeding \$5,000; mortgages exceeding 70% CLTV without compensating factors; (iii) Association History: Documented material rule violations in other communities within five years; (iv) Eligibility: Failure to meet age, occupancy, or ownership requirements; (v) Process Failure: Falsification or material omission; refusal to attend required interview.

Article 13.2 — Rental and Transient Occupancy Ban

Why it matters: Establishes the strongest permissible ban on short-term and long-term rentals, with a supermajority amendment threshold to prevent easy rollback.

Leasing, renting, short-term rentals, vacation rentals, and all transient occupancy are prohibited within the Condominium, except for Association-owned Units. This core prohibition may only be amended by the vote of 75% of all Unit Owners. Noncompliance is subject to fines of \$100 per day or the maximum permitted by law, collectible as Individual Special Assessments. Notwithstanding the general prohibition, the Board maintains the discretion to approve one temporary hardship lease per Unit Owner as an exception.

Article 15.5 & 15.6 — Reserve Funds and Structural Inspections

Why it matters: Reflects Florida's post-Surfside structural reserve and inspection mandates (Chapter 718 as amended), ensuring communities are not exposed to statutory non-compliance.

The Association shall establish and maintain reserve accounts for capital expenditures and deferred maintenance as required by Chapter 718, Florida Statutes. Statutory reserves, including Structural Integrity Reserve Study (SIRS) components when applicable, shall be fully funded in the annual budget and may not be waived or reduced except as permitted by statute.

The Association shall comply with all structural inspection and reserve study requirements under Chapter 718, including Milestone Structural Inspections (MSI) and Structural Integrity Reserve Studies (SIRS), to the extent applicable. The Board shall ensure timely completion by qualified professionals and compliance with all related reporting and funding obligations.

BYLAWS — SELECTED EXCERPTS

Article 2.2–2.4 — Voting Interest, Proxy Rules, and Quorum

Why it matters: Eliminates proxy abuse while establishing a realistic quorum threshold. Eliminates need for Voting Certificates.

Each Unit is entitled to one (1) vote on any matter, regardless of the number of Unit Owners. If multiple votes are submitted for the same Unit, the first valid vote received counts; all subsequent votes are void.

Proxies may not be used for Board elections. For all other matters, Unit Owners may vote by limited proxy only — limited to a specific meeting and specific items described on the proxy form. General proxies granting unlimited authority are prohibited. A valid proxy establishes a quorum and expires 90 days from execution.

A quorum is established when thirty percent (30%) of the total voting interests are present at any meeting of the Unit Owners.

Article 3.3–3.4 — Director Education and Disqualifications

Why it matters: Ensures directors are informed and financially accountable — automatic suspension for delinquency removes the need for contentious board votes.

Within ninety (90) days of election or appointment, a Director must either provide a certificate of completing an approved four-hour educational curriculum, or submit a written acknowledgment stating they have read the governing documents, will faithfully discharge their fiduciary duty, and will uphold state laws. Directors must complete at least one (1) hour of continuing education annually.

A Unit Owner is ineligible to serve as a Director if they are delinquent in monetary obligation for more than ninety (90) days. Any Director who becomes delinquent during their term is automatically suspended from office until the delinquency is paid in full. The suspension is automatically lifted upon full payment; no Board vote is required for reinstatement.

Article 3.6 — Term Limits

Why it matters: Prevents board entrenchment while preserving continuity through a statutory safety valve.

Directors may not serve more than eight (8) consecutive years, except as otherwise provided by §718.112(2)(d)3, F.S., including instances where there are insufficient eligible candidates or a sixty-seven percent (67%) vote of Unit Owners approves an extension.

Article 6.5 — Banking and Financial Controls

Why it matters: Dual-authorization requirements and fund segregation reduce the risk of misappropriation.

All Association funds must be deposited in FDIC-insured financial institutions in the Association's name. Disbursements exceeding \$5,000 require authorization from two (2) officers or directors as designated by Board

resolution. Funds must not be commingled with management or personal accounts or used for purposes other than Association business.

Article 11.6 — Unit Owner Vote Threshold Summary

Why it matters: A single consolidated reference table eliminates disputes about what vote is required for which action.

#	Action	Threshold Required	Authority
1	Valid Board Elections	20% of total voting interests	Bylaws 2.8
2	Quorum for Unit Owner Meetings	30% of total voting interests	Bylaws 2.4
3	Standard Unit Owner Vote	Majority of votes cast at meeting	Bylaws 2.5
4	Waiver of Competitive Bids	Majority of votes cast at meeting	Bylaws 3.12
5	Waive or Reduce Optional Reserves	Majority of votes cast at meeting	Bylaws 6.6
6	Recall of a Director	Majority of total voting interests	Bylaws 3.7
7	Bylaws Amendment	67% of votes cast at meeting	Bylaws 9.3
8	Standard Declaration Amendments	67% of total voting interests	Declaration
9	Leasing / Pet / Occupancy Amendments	75% of total voting interests	Declaration
10	Termination of Condominium	80% (no more than 10% opposed)	Declaration
11	Financial Interest Alteration	100% of total voting interests	Declaration

WHY CONSIDER ADOPTING THESE DOCUMENTS

Designed for 55+ Communities

Documents are purpose-built for Housing for Older Persons communities under federal and Florida law, with age verification, occupancy, and guest provisions fully integrated.

Post-Surfside Compliance

Reserve funding, Milestone Structural Inspection, and Structural Integrity Reserve Study provisions are fully incorporated, reflecting Florida's 2022–2023 legislative mandates under Chapter 718.

Clear Hierarchy, No Gaps

Document precedence is stated explicitly in both the Declaration and the Bylaws, eliminating the ambiguity that frequently generates disputes and legal fees.

Legally Defensible, Plain Language

Document uses necessary legal language where appropriate, while maintaining clear, plain language throughout.

Modern Technology Provisions

Virtual meetings, electronic voting, electronic proxies, and digital record delivery are all addressed — reducing administrative burden while maintaining statutory compliance.

Strong Owner Protections

A consolidated vote-threshold table, independent fine hearing committees, dual-authorization financial controls, and automatic director suspension for delinquency protect owners from board overreach.

Enforcement That Works

A calibrated, escalating fine structure, Individual Special Assessments, lien authority, and a clear cure-period give boards the tools to enforce rules without litigation.

Organized and Compartmentalized Structure

Most topics are consolidated into a single article, making information easy to locate and navigate, while also simplifying updates and maintenance.

NEXT STEPS FOR INTERESTED ASSOCIATIONS

PLEASE NOTE THAT COOCVE HAS ENGAGED AN ATTORNEY TO REVIEW DOCUMENTS AND THE DOCUMENTS WILL NOT BE SHARED WITH ASSOCIATIONS UNTIL THE ATTORNEY REVIEW IS COMPLETE.

- Request the complete Declaration (29 Articles), Bylaws (11 Articles), and Articles from COOCVE.
- Have your association's Florida condominium counsel review the documents against your current governing documents and identify any association-specific modifications needed.
- Present the documents to your Board of Directors for a preliminary review and approval to proceed to a member vote.
- Provide the proposed documents and a redlined summary of changes to Unit Owners at least 14 days before any adoption meeting or per the amendment notice requirements in your existing documents. Your attorney can help you with this.
- Obtain the required percentage of total voting interests to adopt the new documents. The percentage required is based on your current documents
- Record the adopted Declaration and Bylaws in Broward County Public Records and file the Amended Articles of Incorporation with the State of Florida.

For more information or to request the complete governing documents, contact COOCVE. These model documents were developed as an educational and governance resource for the independently operated condominium associations of Century Village East, Deerfield Beach, Florida.