

Chapter 12 - Section 12.08

Deed Restrictions Committee

Policy: The Rotonda West Association is authorized by Florida Statutes §720 and §617 to organize according to the needs of the Association. The RWA By-Laws, Article II, Section 10, allows the Board of Directors to establish subcommittees in order to facilitate the overall operations of the Association.

The Deed Restrictions Committee, having been approved by the Board of Directors on October 27, 2022, is hereby authorized as a Non-required Standing Operating Committee according to the Rotonda West Association's Policy for Committees, Section 12.0, to carry out the purposes stated in the Charter. The Board has the option of modifying the Charter at any time.

Charter: The Deed Restrictions Committee is to advise and assist the Rotonda West Association's Board of Directors ("Board") in carrying out its fiduciary responsibility for enforcement of the Association's deed restrictions in order to protect property values. If specifically requested to do so by the Board, the Deed Restrictions Committee may be authorized to conduct any of the following activities in carrying out its responsibilities:

12.08.01, review, at least annually following the State Legislature's Session, or as often as necessary and appropriate, any changes adopted to the statutes and policies governing homeowners' associations and make any recommendations, as appropriate to the Board for revisions to the Association's deed restrictions;

- 12.08.02, investigate the methodology for consistent enforcement of the deed restrictions and, as appropriate make recommendations to the Board;
- 12.08.03, investigate the methodology for establishing fines consistent with the violations in order to encourage compliance and, as appropriate make recommendations to the Board;
- 12.08.04, investigate the methodology for collection of fines for deed restriction violations and, as appropriate, make recommendations to the Board;
- 12.08.05, investigate, as directed by the Board, items of concern expressed by members regarding the deed restrictions and provide recommendations for action based on research of the governing documents, statutes, and solutions accomplished by other HOAs for addressing these issues;
- 12.08.06, develop a transition plan and provide same to the Board.
- 12.08.07, carry out other activities as directed by the Board.

Procedures:

12.08.02, a, Review Statutory & Policy Changes: The Deed Restrictions Committee shall work with the Board, the Association's Attorneys, The Developer, and the Manager in reviewing changes to Florida Statutes §720 and §617, as well as other state and county legislative and policy actions in identifying changes that are required to be made to the deed restrictions. The Committee shall propose those changes to the Board for forwarding to the Developer or, in the event the Developer relinquishes control, to the membership for final adoption. Such procedures shall occur at least annually, or as often as required.

12.08.03, a, Investigating Consistent Deed Restriction Enforcement: The Deed Restrictions Committee should work closely with the Residential Modification and Compliance Committees, in addition to the Manager and Association's Attorney, in identifying potential improvements or changes to the enforcement of the deed restrictions before making recommendations to the Board.

12.08.04, a, Investigating the Establishment of Appropriate Fines Consistent with Deed Restriction Violations: The Deed Restrictions Committee should work closely with the Compliance Committee and the Manager to review, analyze and identify appropriate and consistent fines for the various violations of the deed restrictions. The Committee may then make recommendations to the Board.

12.08.05, a, Investigating the Collection of Fines for Violations of Deed Restrictions: The Deed Restrictions Committee should work closely with the Compliance Committee, as well as the Manager, to identify procedures and policies for the collection of fines for violations to achieve positive results.

12.08.06, a, Identify and Investigate Members' Concerns About the Deed Restrictions: The Deed Restrictions Committee should receive members' concerns with the deed restrictions during its meetings and from reports from other committees, as well as other sources. The Committee should analyze these concerns and research responses and/or solutions before making change recommendations to the Board.

12.08.07, a, Developing a Transition Plan: The Deed Restrictions Committee shall work closely with the Board, the Developer, the Association's Attorney, and the Manager in developing a transition plan for the Association to take sole control of the community's operation, policies, and procedures.

12.08.08, Other Activities As Directed by the Board:

The Deed Restrictions Committee shall carry out other activities as directed by the Board by holding periodic meetings and making reports to the Board.

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