

Bonita Lakes Property Owners Association, Inc.
Board of Directors, ACC/VIO Workshop
“The Documents”

The collection of papers commonly referred to as “The documents” is actually multiple documents which have very different purposes and grant various authorities subject to many levels of restriction.

RECORDED OFFICIAL DOCUMENTS

OR: 18493:2982 to 3039

Amended and Restated Declaration of Restrictions and Covenants for Bonita Lakes

Purpose: This document outlines and defines covenants and restrictions with regard to the membership, their ownership of homes, duties and responsibilities they have with regard to home maintenance and occupancy, duties to the Association, and restrictions on use and behavior. The content of this document was approved and accepted by Miami-Dade County, and is the basis for their acceptance of the proposal for this development.

Changes: This document constitutes an agreement as to behavior and conduct with regard to the operation of the Association and can only be amended in many areas by agreement with Miami Dade County and then only by ratification in advance of 2/3 of the voting members/homeowners. In the event an amendment would be approved, it would not be in force or binding until recorded in the official records of Dade County. See page 6, Section 5.0, 5.1, and specifically 5.2.

Generally speaking, this document

- Establishes that homeowners taking a deed agree to the community restrictions
- Establishes that homeowners taking a deed agree that their home may be subject to title considerations which were established during development including easements and other variations
- Establishes broad based community controls on behavior
- Prevents homeowners from deviating from the community plan
- This document establishes and grants the Board its authority and operating guidelines
- This document establishes and grants the ACC/VIO its authority and operating guidelines
- Document must be provided by the seller at closing, buyer must acknowledge receipt
- Rarely are Declarations of Restrictions & Covenants amended

OR: 18493:3040 to 3041

Exhibit 1, Bonita Lakes Legal Description and, Proposed Four Lakes Section Seven Legal Description (Schedule 1)

Purpose: Establishes and publishes the legal description for the land the community occupies as provided by the surveyor of record.

Changes: Not subject to change except in case of annexation or abandonment of any portion of the land presently included in the recorded legal description.

OR: 18493:3043 to 3050

Amended and Restated Articles of Incorporation of Bonita Lakes Property Owners Association, Inc.

Purpose: Establishes the corporation as a perpetual entity in the State of Florida. Identifies the leadership structure, membership, voting rights, establishes the existence of Bylaws and the provisions for their amendment.

Changes: Proposals for changes to the Articles of Incorporation may be brought by either a majority of the members of the Board of Directors, or by a group of members which in number are at least 25% of the voting interests. Adoption of the proposed amendment shall require the assent of not less than 2/3 of the voting membership/homeowners. Amendments must be filed with the State of Florida.

Generally speaking, this document

- Establishes legitimate existence of the entity in the State of Florida
- Establishes the name, address and registered agent for the entity
- Defines the profit or non profit status
- Identifies the leadership structure, number and voting rights of members
- Agrees to hold officers and directors harmless in the performance of their duties
- Establishes the powers the association claims for itself
- Rarely are Articles of Incorporation amended

OR: 18493:3051 to 3061

Amended and Restated By-Laws of Bonita Lakes Property Owners Association, Inc.

Purpose: The official rules and regulations which govern a corporation's management which are drawn up at the time of incorporation and are filed with the State of Florida and in the official records of Miami-Dade County.

Changes: Anyone may propose a change to the By-Laws. Adoption of the change shall require the assent of not less than 2/3 of the voting membership/homeowners present in person or by proxies at any regular meeting. Changes must be recorded with the State of Florida and Miami-Dade County.

Generally speaking, this document

- Establishes the election procedure and terms of office for all officers
- Establishes meeting procedures, quorums, notification requirements

- Establishes and defines duties of officers
- Establishes powers and duties of the Board
- Establishes the procedure for recall or removal of Board members
- By-Laws are amended as needed, but not a frequent occurrence

OR: 18493:3062 to 3088

Amended and Restated Bonita Lakes Beach Club Covenants

Purpose: Establishes the basis for the organization of the Beach Club.

Changes: Since the Association purchased the club, it does not exist as a separate entity, and was combined with the POA.

Generally speaking, this document

- Establishes the existence of the club, management thereof and procedures
- Provides for independent operation of the club prior to assumption by the Association
- Establishes a purchase option for the Association to accept or reject

OR: 18493:3089 to 3093

Exhibit A, Bonita Lakes Legal Description and, Proposed Four Lakes Section Seven Legal Description, plus exhibits B, C, D.

Purpose: Establishes and publishes the legal description for the land the community occupies as provided by the surveyor of record. Establishes the supplemental data for the legal description of the clubhouse property, tennis court property.

Changes: Not subject to change except in case of annexation or abandonment of any portion of the land presently included in the recorded legal description.

CONFLICTS BETWEEN DOCUMENTS, PROVISIONS:

Refer also to By-Laws, section 13. The order of precedence used to resolve any conflict is as follows:

Florida Statute
 Articles of Incorporation
 Declarations of Restrictions and Covenants (assumed to be in accord with local ordinance)
 By-Laws
 Rules and Regulations

OR: 18493:3089 to 3093

Exhibit A, Bonita Lakes Legal Description and, Proposed Four Lakes Section Seven Legal Description, plus exhibits B, C, D.

Purpose: Establishes and publishes the legal description for the land the community occupies as provided by the surveyor of record. Establishes the supplemental data for the legal description of the clubhouse property, tennis court property.

Changes: Not subject to change except in case of annexation or abandonment of any portion of the land presently included in the recorded legal description.

Bonita Lakes Property Owners Association, Inc. Community Standards

Purpose: The Architectural Control Committee is established by Section 21 of the Declarations of Restrictions and Covenants, paragraphs 21.1 through 21.19. This is the source of their authority. Community standards presently adopted are located in pages 119 through 132.

Changes: The ACC shall recommend from time to time that the Board consider modifications and/or amendments to the Community Standards. Such amendments shall not be effective until approved by the Board. Homeowners desiring change/variance submit their case to the ACC for review, and if denied, may appeal to the Board. This is not a recorded document. Authority for change exists within the recorded minutes of Board actions, by majority vote.

Generally speaking, the Community Standards Documents.....

- Establishes that the provisions of the Declarations of Restrictions and Covenants are primary, and may not be made less restrictive by any action of the ACC.
- Provides that variances per DOR 21.10 may be granted on a case by case basis due to hardship and specifically does not establish a precedent, paragraph 3
- Deviation per Community Standards paragraph 3 takes authority from DOR 21.10 and requires a specific written agreement to grant a variance and does not establish precedent.
- ACC actions may be appealed to the Board
- Establishes ACC operational guidelines, duties, responsibilities and authority

Bonita Lakes Property Owners Association, Inc. Rules & Regulations

Purpose: Establish rules of conduct for homeowners in Bonita Lakes; both permissive and restrictive issues may be included. The source of the authority of the Board to establish and enforce these Rules and Regulations is granted by the Articles of Incorporation section 7.11 and

By-Laws section 6.12 and are subject to non-conflict with the Declarations of Restrictions and Covenants. This is not a recorded document.

Changes: The Board may accept input on rules and regulations from any competent source. In most cases, input will be from Management Team or ACC/VIO. The Board must evaluate the proposed change from the standpoint of it being in the best interest of the community as a whole to adopt such a rule. Once the majority action of the Board will approve the change, and it is posted in public, it becomes effective and enforceable.

Generally speaking, the Rules and Regulations.....

- Establishes that the provisions of the Declarations of Restrictions and Covenants are primary, and may not be made less restrictive by adoption of any rules by the Board
- Create permissions and restrictions to insure the ability of all homeowners to have the uninterrupted “peaceful use and enjoyment” of their home.
- Establishes the idea that issues beyond purchase and occupancy may be privileges and that the exercise of privilege must include consideration for the rights of those upon whom the exercise of that privilege may encroach. I.E. Homeowner chooses to keep a dog, must take care to control barking, odors and other issues which encroach on the neighbors peaceful enjoyment rights which are primary and supercede the privilege of keeping a dog.
- Provides for fines for violation of life safety or security issues upon discovery.

Some quotes taken from other Association documents, rules and signs.....

“..... We all voluntarily give up certain rights and freedoms for the sake of a civilized society.....”

“.....There absolutely is NOT any absolute freedom.....”

“.....The Association is not required to love your dog or your child, or tolerate its bad behavior, you are.....”

“.....You are required to absolutely respect your neighbor’s property rights, local rules and regulations, and local/state law.....”

“.....Rules + Enforcement = Increased property values.....”