

Highlights of Proposed Changes in the Bella Costa Declaration of Condominium

All the proposed changes and language in the Declaration of Condominium for Section 1 & 2 are exactly the same with the exception of two sections:

- Section 1 Document, Paragraph 12.7 states the owner of unit 312 has exclusive use of the dock and is responsible to pay for its maintenance.
- Section 2 Document, Paragraphs 4.5 and 11.1a define the dock around the sea wall as limited common property and identifies the unit owners responsible to pay for its maintenance.

The wording in these sections was not changed but they do represent the only difference between Section 1 and 2 documents.

The changes to both documents are as follows:

- 7.1 Adds “Kaufman Language” allowing the documents to be amended from time to time.
- 7.4 Gives right of unit access to the association under stated conditions
- 7.6 Requires the owners to provide a key to the association
- Article IX was not changed, but states the document can be amended by a vote of 51% of the owners present. A quorum of the owners present, or by proxy, is required to take the vote. Additionally, language was added, suggested by Sharol and Tom Schell, to allow for proposing amendments to the documents by petition of 25 percent of the owners or by the Board.
- 10.2 Defines authority and defines reasons the Board may levy special assessments
- 11.3 Requires approval by Board and 66 2/3 of the owners present for an owner to make changes to the exterior of the unit or common elements. It also gives the Board authority to adopt design and appearance standards for the exterior of the units.
- 11.4 No change -- the unit owner is responsible for the operations and maintenance of the unit’s HVAC system
- 11.5 Changes from 66 2/3 to a simple majority vote of those present for the Board to make material changes in the common elements. Material change is not defined in these documents or the Florida condo Statute. A quorum is still required, of the owners present or by proxy, to take the vote.
- 11.6 Satellite Dishes language conforms to State and Federal Law
- 11.7 a-e defines the owner’s responsibility for maintenance of the unit. This is a very important clarification. The documents now explicitly define the responsibility of the unit owner and the association.
 - Section (a) states the owner is responsible for the maintenance of the screens, rails and framing of the lanai and balcony,
 - Section (b) states the owner is responsible for the maintenance and replacement of the window glass, frames and screen door,
 - Section (c) states the association is only responsible to insure the elements to the original specification.
 - Section (d) gives authority to the association to make repairs at the unit owner’s expense if they fail to do so.

- 12.1 States the units are for single family use and defines the business activities permissible in the unit
- 12.2 Defines who may own a unit
- 12.5 Requires approval of leases, defines permissible length of leases and (a) defines a “guest” and prohibits subleasing.
- 12.7 permits one indoor cat
- 12.14 Defines requirements and specifications to receive approval for installation of hard surface flooring.
- 13.1 Requires approval of unit sales; defines criteria for application and association requirements. Increases the sales transfer fee to \$150.00
- 13.9 Defines the obligation of the owner to be responsible for the actions of their guests.
- 14.5 States it is the unit owner’s responsibility to purchase liability and property insurance on their units.
- 24-27 Removes language regarding the process of handling insurance payments, including the requirement that payments be deposited in a bank no longer in existence.

Please take the time to read the document for your section. If you have any suggestions for changes or amendments, please send them to me john.bellacosta@gmail.com. Also, if you have questions, please feel free to send them to me. If we feel it requires a legal interpretation, we will forward them on to our legal counsel. All comments, suggestions or questions will be taken seriously and given consideration.