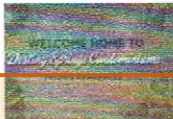


ISSUE #1



DESTINY SPRINGS CONDOMINIUM ASSOCIATION, INC.

BOARD RESOLUTION

AUTHORIZING USE OF RESERVE FUNDS FOR ENGINEERING SERVICES

Date of Approval: May 22, 2026
Association: Destiny Springs Condominium Association, Inc.
Property Address: 928 Lake Destiny Road, Altamonte Springs, Florida 32714

RECITALS

WHEREAS, the Board of Directors of Destiny Springs Condominium Association, Inc. ("Association") is responsible for the operation, maintenance, repair, and preservation of the Association's common elements pursuant to the Declaration of Condominium, Bylaws, and Chapter 718, Florida Statutes; and

WHEREAS, the Association has identified the need for structural and balcony evaluations related to the condominium buildings and common elements; and

WHEREAS, the Board conducted a duly noticed Board Meeting on May 22, 2026, in accordance with Florida Statute §718.112(2)(c), to review engineering and architectural proposals for the structural evaluation project; and

WHEREAS, the Board determined that the engineering and architectural services directly relate to the inspection, preservation, repair planning, and maintenance of reserve-related common element components of the Association; and

WHEREAS, the Board finds that the use of reserve funds for such engineering services is in the best interest of the Association and necessary for the protection, maintenance, and future repair planning of the condominium property.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board of Directors hereby authorizes the use and transfer of reserve funds for the payment of engineering and/or architectural services associated with the structural and balcony evaluation project for the Association.
2. The approved reserve fund expenditure shall be limited to expenses directly associated with:
 - Structural engineering evaluations
 - Balcony inspections
 - Architectural consulting
 - Related professional reports and assessments
 - Common element evaluation services
3. Management is authorized to coordinate payment processing upon:
 - Final review and approval of the engineering contract by Association legal counsel; and

MARKUP #1 ->

MARKUP #1 · OUTDATED STATUTE LOCK

BOARD & COUNSEL REVIEW

Sec. N/A (p. 1, 2): Declaration references Florida Statutes without express Kaufman language ("as amended from time to time"), risking unconstitutional impairment of contract challenges upon statutory changes.

Statutory / Legal Reference: Kaufman v. Shere, 347 So. 2d 627 (Fla. 3d DCA 1977); Cohn v. Grand Condo. Ass'n, 62 So. 3d 1120 (Fla. 2011)

Statutory Comparison: Under Florida Supreme Court precedent (Cohn), legislative amendments that impair vested contract rights cannot be applied retroactively to an existing community unless the Declaration contains express language adopting the statute "as amended from time to time" (the Kaufman doctrine).

CURRENT WORDING IN DOCUMENT:

DESTINY SPRINGS CONDOMINIUM ASSOCIATION, INC. BOARD RESOLUTION AUTHORIZING USE OF RESERVE FUNDS FOR ENGINEERING SERVICES Date of Approval: May 22, 2026 Association: Destiny Springs Condominium Association, Inc. Property Address: 928 Lake Destiny Road, Altamonte Springs, Florida 32714 RECITALS WHEREAS, the Board of Directors of Destiny Springs Condominium Association, Inc. ("Association") is responsible for the operation, maintenance, repair, and preservation of the Association's common elements pursuant to the Declaration of Condominium, Bylaws, and Chapter 718, Florida Statutes; and WHEREAS, the Association has identified the need for structural and balcony evaluations related to the condominium buildings and common elements; and WHEREAS, the Board conducted a duly noticed Board Meeting on May 22, 2026, in accordance with Florida Statute §718.112(2)(c), to review engineering and architectural proposals for the structural evaluation project; and WHEREAS, the Board determined that the engineering and architectural services directly relate to the inspection, preservation, repair planning, and maintenance of reserve-related common element components of the Association; and WHEREAS, the Board finds that the use of reserve funds for such engineering services is in the best interest of the Association and necessary for the protection, maintenance, and future repair planning of the condominium property. NOW, THEREFORE, BE IT RESOLVED THAT: 1. The Board of Directors hereby authorizes the use and transfer of reserve funds for the payment of engineering and/or architectural services associated with the structural and balcony evaluation project for the Association. 2. The approved reserve fund expenditure shall be limited to expenses directly associated with: * Structural engineering evaluations * Balcony inspections Architectural consulting * Related professional reports and assessments * Common element evaluation services 3. Management is authorized to coordinate payment processing upon: Final review and approval of the engineering contract by Association legal counsel; and * Execution of the approved contract by authorized Association representatives. 4. The Treasurer, President, Management Company, and Association...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

In accordance with Kaufman v. Shere, amend the governing law clause to read: "...governed by Chapter 718 [or 720], Florida Statutes, as the same exists on the date hereof and as the same may be amended from time to time."