

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

EDWIN KRAVITZ, JR.,

Petitioner,

vs.

Case No. 20-1703

VENETIAN ISLES HOMEOWNERS
ASSOCIATION, INC., AND STATE OF
FLORIDA, DEPARTMENT OF ECONOMIC
OPPORTUNITY,

Respondents.

RECOMMENDED ORDER

On June 8, 2020, Administrative Law Judge Hetal Desai of the Division of Administrative Hearings (DOAH) conducted the final hearing by Zoom.

APPEARANCES

For Petitioner: Connie Davies, Esquire
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For Respondent Venetian Isles Homeowners Association, Inc.:

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For Respondent State of Florida, Department of Economic Opportunity:

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Department of Economic Opportunity
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STATEMENT OF THE ISSUE

Whether Respondent, Venetian Isles Homeowners Association, Inc. (Association), properly revived its expired Declaration of Restrictions and Covenants in accordance with sections 720.403 through 720.407, Florida Statutes (2019).

PRELIMINARY STATEMENT

On February 21, 2020, Respondent Department of Economic Opportunity (Department) approved the revitalization of the Association's proposed "Declaration of Covenants and Restrictions" and "other governing documents." On March 18, 2020, Petitioner Edwin Kravitz, Jr. (Petitioner) submitted a Petition Challenging Agency Action and for Administrative Proceeding to the Department objecting to its approval of the proposed revitalization. On April 1, 2020, the Department forwarded the Petition to DOAH, where it was assigned to the undersigned Administrative Law Judge to conduct the final hearing.

A pre-hearing conference was held on June 1, 2020, in which the parties discussed the technical procedures for the Zoom hearing, the presentation of witnesses, and issues related to the exhibits.

The final hearing was held as noticed on June 8, 2020, by Zoom. Petitioner testified on his own behalf and Petitioner's Exhibits A through D, D-1, E through H, H-1, and M were admitted into evidence. The undersigned took

official recognition of Petitioner's Exhibit I for the purpose of establishing Petitioner's standing to bring this action. The Association presented the testimony of Anne Hathorn and offered no exhibits. The Department presented no witnesses, but the parties agreed to have the documents submitted to the Department by the Association, admitted as Joint Composite Exhibits 1 and 2. The undersigned also takes official recognition of an Order dated March 18, 2020, in the matter of *Venetian Isles Homeowners Association, Inc. v. Edwin Kravitz, Jr.* (Case No. 19-001734-CI), a circuit court proceeding involving Petitioner and the Association.¹

Petitioner filed two Motions for Official Recognition on June 15, 2020, both of which were denied on July 17, 2020.

The final hearing was recorded by a court reporter, but a transcript was not ordered. The parties requested and were allowed additional time to file their proposed recommended orders (PROs). The parties timely filed PROs on July 16, 2020, which were considered in the preparation of this Recommended Order.

Unless otherwise indicated, references to the Florida Statutes are to the 2019 version.

FINDINGS OF FACT

Based on the evidence adduced at hearing and the record as a whole, the following Findings of Fact are made:

¹ During the final hearing there was testimony about the circuit court case. At the undersigned's request and per the parties' agreement, the circuit court order was filed post-hearing on June 11, 2020.

PARTIES

1. Petitioner is a parcel owner within the Venetian Isles community.² Petitioner's real property was included in the Association's request for revitalization submitted to the Department for approval. Although Petitioner is not a member of the Association, Petitioner's property would be subject to the Declaration of Restrictions and Protective Covenants (Restrictive Covenants) that the Association wishes to revitalize.

2. Respondent Association is a not-for-profit corporation formed pursuant to chapter 617, Florida Statutes. It is a voluntary homeowners association and is not governed by chapter 720. All parties agree, however, that the procedures set forth in sections 720.403 through 720.407 can be used to revitalize the Association's expired restrictive covenants which it seeks to enforce. *See* § 712.11, Fla. Stat. ("**Covenant revitalization.** A property owners' association not otherwise subject to chapter 720 may use the procedures set forth in ss. 720.403-720.407 to Revive Covenants that have lapsed under the terms of this chapter").

3. The Department is the state agency responsible for reviewing and approving submissions from associations seeking to revive declarations of covenants that have expired or otherwise have lapsed. Chapter 720, Part III, contains the requirements for revitalization and also contains the specific responsibilities of the Department.

RESTRICTIVE COVENANTS AND OTHER GOVERNING DOCUMENTS

4. The original developer of Venetian Isles placed conditions and restrictions on the parcels by recording separate restrictions for each Unit. The first restrictions were recorded in 1967 for Unit 1 and the last were recorded in 1972 for Unit 9 (developer's restrictions).³

² Venetian Isles is a residential subdivision in St. Petersburg, Pinellas County, Florida comprised of Units 1 through 10, with 525 single family homes.

³ The Restrictive Covenants for Unit 9 were later amended in 1973.

5. The Association was incorporated in 1971 after the development of Unit 9. Although it is unclear from the record, at some point responsibility for administering and enforcing the developer's restrictions may have been assigned to the Association.

6. The Restrictive Covenants the Association seeks to revive were recorded on January 24, 1978. At that time, the developer's restrictions were superseded because Venetian Isles was fully developed and authority for enforcement of the restrictions was transferred from the developer to the Association. As reflected in the "Whereas" clause in the 1978 Restrictive Covenants, the homeowners in Units 1 through 9 approved the new restrictions; the homeowners in Unit 10 did not. The undersigned finds that the 1978 Restrictive Covenants were validly enacted and recorded, and that they extinguished the restrictions previously recorded by the developer for Units 1 through 9.

7. Pursuant to chapter 712, Florida Statutes (also known as the Marketable Record Title Act (MRTA)), the Restrictive Covenants recorded in 1978 expired 30 years later, on January 24, 2008. They are no longer effective or enforceable, absent revitalization.

8. Prior to their expiration, the Restrictive Covenants were amended four times: November 10, 1999; August 18, 2005; November 27, 2006; and July 17, 2007.

9. A fifth Amendment was recorded on April 7, 2015, after the expiration of the Restrictive Covenants.

10. The Association was incorporated as a not-for-profit corporation under chapter 617, and its Articles of Incorporation were recorded on August 11, 1971.

11. The Association's original bylaws were not presented at the hearing or submitted to the Department. The Association revised its bylaws numerous times including in 2004, 2007, and 2013. Only the 2007 bylaws were recorded, and that was not done until January 2010.

12. The Association argues that the 2013 revised bylaws were not official because they were not recorded. As explained below, neither chapter 617 nor the statutory procedures for revitalization require that the Association bylaws be recorded. These 2013 bylaws were duly adopted by the Association on January 28, 2013, as indicated through the Association newsletter. The 2013 bylaws are also posted on the Association's website as the current set of bylaws. *See* Venetian Isles Homeowners Association website at <http://www.ourvi.org/deed-restrictions.html> (last visited on June 8, 2020). As such, the undersigned finds that the 2013 bylaws are the official bylaws of the Association.

REVITALIZATION COMMUNICATIONS, PACKAGES, AND PROCESS

13. In an effort to revitalize the expired Restrictive Covenants, pursuant to the requirements of sections 720.403, the Association formed an organizing committee made up of the following people: Randy Havey, Mark Brenman, and Thomas Testa.

14. The Association prepared a packet of documents (Owners' Packet) consisting of the following documents:

- Cover letter with instructions dated October 28, 2019;
- Document titled "Written Consent Approving Revived Declaration of Declaration of Restrictions and Protective Covenants for Venetian Isles Under Florida Statute 720.405(6)" (Consent Form);
- Copy of the Declaration of Restrictions and Protective Covenants for Venetian Isles, recorded January 24, 1978, with five amendments recorded in 1999, 2005, 2006, 2007, and 2015;
- Certificate of Incorporation and the Articles of Incorporation for the Association recorded in 1971;
- Revised bylaws for the Association dated January 25, 2007, and recorded in 2010; and

- Plats (graphic depictions) for Units 1 through 9 of Venetian Isles.

15. The committee either hand-delivered or sent via regular U.S. mail an Owners' Packet to each parcel owner, not just to voluntary Association members.

16. As a parcel owner, Petitioner received the Owners' Packet.

17. The Association received 321 Consent Forms in favor of revitalization. Therefore, a majority of the 525 parcel owners (263 constituting a majority) elected to proceed with the revitalization process.

18. The cover letter in the Owners' Packet contained the names, addresses, and phone numbers of all three of the organizing committee members.

19. Petitioner alleges numerous additional communications were made by the Association regarding the revitalization to its members, but not to him. He also alleges these communications did not have the necessary contact information for the organizing committee members. The Association counters that it is a voluntary Homeowners association and the additional communications were sent only to those members who had paid the Association dues. Again, Petitioner was not a member of the Association at that time.

20. Many of the communications were on the Association website or on a social media site for neighborhoods known as "Nextdoor." The undersigned finds these communications were not from the organizing committee.

21. However, on November 5, 2019, Anne Hathorn, the Association's attorney who was handling the revitalization process, sent out an informational letter directed to "Venetian Isles Homeowners" (Hathorn Letter). In the letter, Ms. Hathorn specifically stated she was asked by the Association's Board to address questions raised about the revitalization of the Restrictive Covenants. At the conclusion of the letter she instructed, "If you

have questions, please contact a member of the Organizing Committee, whose contact information is contained in the package you received."

22. The Hathorn Letter did not state that it was addressed only to Association members, nor did it specifically include the organizing committee members' contact information. Based on the substance of the Hathorn Letter and on Ms. Hathorn's testimony, the undersigned finds this letter was an official communication authorized by the organizing committee.

23. On January 16, 2020, the Association submitted a package to the Department seeking approval of the revitalization of the Restrictive Covenants and amendments (DEO Package). The DEO Package contained the following items:

- Affidavit of Mr. Brenman, one of the organizing committee members, verifying the copies of the Written Consents returned to the Association;
- Verified Copies of the Written Consents agreeing to revitalization of the Restrictive Covenants;
- Affidavit of Ms. Hathorn, the Association's attorney, verifying the Restrictive Covenants and amendments for Venetian Isles, and the Articles of Incorporation and the bylaws for the Association;
- Copy of the Restrictive Covenants for Venetian Isles, recorded January 24, 1978, and the five amendments recorded in 1999, 2005, 2006, 2007, and 2015;
- Certificate of Incorporation and the Articles of Incorporation for the Association recorded in 1971;
- Revised bylaws for the Association dated January 25, 2007, and recorded in 2010;
- Legal Descriptions of each parcel and graphic depictions of the parcels by Unit; and
- List of all the parcel owners for Units 1 through 9.

24. On February 7, 2020, per the Department's request, the Association submitted the following additional items in support of its revitalization efforts:

- Affidavit of Mr. Testa, one of the organizing committee members, verifying copies of the Owners' Package were sent to all affected parcel owners of Venetian Isles;
- Copy of the Owners' Packet;
- Affidavit of James Pelletier, dated March 15, 2010, and recorded on March 18, 2010, certifying that the 2007 set of bylaws for the Association were the set of bylaws in effect at that time, along with a copy of the 2007 bylaws; and
- Affidavit of Mr. Testa verifying a copy of the Association's bylaws (undated and unrecorded) titled "2004 bylaws of Venetian Isles Homeowners Association, Inc.," and attesting that this copy is the earliest set of bylaws in the Association's Official Records.

25. On February 21, 2020, the Department approved the revitalization of the Restrictive Covenants and "other governing documents."

26. On March 11, 2020, the Circuit Court for the Sixth Judicial Circuit for Pinellas County held an evidentiary hearing in the matter of *Venetian Isles Homeowners Association, Inc. v. Edwin Kravitz, Jr.* (Case No. 19-001734-CI). The circuit court ordered that the Association was allowed to record the revised Restrictive Covenants as approved by the majority of the parcel owners and the Department, but the Association was barred from enforcing the Restrictive Covenants against Petitioner until further ruling from this administrative proceeding.

CONCLUSIONS OF LAW

27. DOAH has jurisdiction over the parties and subject matter of this proceeding pursuant to sections 120.569 and 120.57(1), Florida Statutes.

28. Petitioner has the burden of proving its claims by a preponderance of the evidence. *Fla. Dep't of Transp. v. J.W.C., Inc.*, 396 So. 2d 778 (Fla. 1st DCA 1981).

29. The Florida Legislature enacted MRTA over 50 years ago in order to simplify and facilitate land transactions. *Matissek v. Waller*, 51 So. 3d 625, 628 (Fla. 5th DCA 2011). In essence, restrictive covenants cease to be effective as to land parcels governed by the restrictive covenants 30 years after said restrictive covenants have been referenced in a deed that burdens each lot. § 712.02, Fla. Stat.

30. The Association concedes that its Restrictive Covenants expired by operation of MRTA and were not timely preserved pursuant to MRTA.

31. If MRTA extinguishes a community's restrictive covenants, an association can utilize the procedures set forth in chapter 720, part III (sections 720.403-407), to revive the expired restrictive covenants.

32. Section 720.405 describes the procedure and documents required to be provided to the parcel owners in order to obtain parcel owner approval with respect to the revival of expired restrictive covenants. Section 720.405 provides as follows:

720.405 Organizing committee; parcel owner approval.

(1) The proposal to revive a declaration of covenants and an association for a community under the terms of this act shall be initiated by an organizing committee consisting of not less than three parcel owners located in the community that is proposed to be governed by the revived declaration. The name, address, and telephone number of each member of the organizing committee must be included in any notice or other document provided by the committee to parcel owners to be affected by the proposed revived declaration.

(2) The organizing committee shall prepare or cause to be prepared the complete text of the proposed revised declaration of covenants to be submitted to the parcel owners for approval. The proposed revised documents must identify each parcel that is to be subject to the governing documents by its legal description, and by the name of the parcel owner or the person in whose name the parcel is assessed on the last completed tax assessment roll of the county at the time when the proposed revised declaration is submitted for approval by the parcel owners.

(3) The organizing committee shall prepare the full text of the proposed articles of incorporation and bylaws of the revived association to be submitted to the parcel owners for approval, unless the association is then an existing corporation, in which case the organizing committee shall prepare the existing articles of incorporation and bylaws to be submitted to the parcel owners.

(4) The proposed revised declaration and other governing documents for the community shall:

(a) Provide that the voting interest of each parcel owner shall be the same as the voting interest of the parcel owner under the previous governing documents;

(b) Provide that the proportional-assessment obligations of each parcel owner shall be the same as proportional-assessment obligations of the parcel owner under the previous governing documents;

(c) Contain the same respective amendment provisions as the previous governing documents or, if there were no amendment provisions in the previous governing document, amendment provisions that require approval of not less than two-thirds of the affected parcel owners;

(d) Contain no covenants that are more restrictive on the affected parcel owners than the covenants

contained in the previous governing documents, except as permitted under s. 720.404(3); and

(e) Comply with the other requirements for a declaration of covenants and other governing documents as specified in this chapter.

(5) A copy of the complete text of the proposed revived declaration of covenants, the proposed new or existing articles of incorporation and bylaws of the association, and a graphic depiction of the property to be governed by the revived declaration shall be presented to all of the affected parcel owners by mail or hand delivery not less than 14 days before the time that the consent of the affected parcel owners to the proposed governing documents is sought by the organizing committee.

(6) A majority of the affected parcel owners must agree in writing to the revived declaration of covenants and governing documents of the association or approve the revived declaration and governing documents by a vote at a meeting of the affected parcel owners noticed and conducted in the manner prescribed by s. 720.306. Proof of notice of the meeting to all affected owners of the meeting and the minutes of the meeting recording the votes of the property owners shall be certified by a court reporter or an attorney licensed to practice in this state.

33. Section 720.406 describes the procedure and documents required to be submitted to the Department in order to revive expired restrictive covenants. Section 720.406 provides as follows:

720.406 Department of Economic Opportunity; submission; review and determination.

(1) No later than 60 days after the date the proposed revived declaration and other governing documents are approved by the affected parcel

owners, the organizing committee or its designee must submit the proposed revived governing documents and supporting materials to the Department of Economic Opportunity to review and determine whether to approve or disapprove of the proposal to preserve the residential community. The submission to the department must include:

(a) The full text of the proposed revived declaration of covenants and articles of incorporation and bylaws of the homeowners' association;

(b) A verified copy of the previous declaration of covenants and other previous governing documents for the community, including any amendments thereto;

(c) The legal description of each parcel to be subject to the revived declaration and other governing documents and a plat or other graphic depiction of the affected properties in the community;

(d) A verified copy of the written consents of the requisite number of the affected parcel owners approving the revived declaration and other governing documents or, if approval was obtained by a vote at a meeting of affected parcel owners, verified copies of the notice of the meeting, attendance, and voting results;

(e) An affidavit by a current or former officer of the association or by a member of the organizing committee verifying that the requirements for the revived declaration set forth in s.720.404 have been satisfied; and

(f) Such other documentation that the organizing committee believes is supportive of the policy of preserving the residential community and operating, managing, and maintaining the infrastructure, aesthetic character, and common areas serving the residential community.

(2) No later than 60 days after receiving the submission, the department must determine whether the proposed revived declaration of covenants and other governing documents comply with the requirements of this act.

(a) If the department determines that the proposed revived declaration and other governing documents comply with the act and have been approved by the parcel owners as required by this act, the department shall notify the organizing committee in writing of its approval.

(b) If the department determines that the proposed revived declaration and other governing documents do not comply with this act or have not been approved as required by this act, the department shall notify the organizing committee in writing that it does not approve the governing documents and shall state the reasons for the disapproval.

34. In this case, the statutes are unambiguous and, therefore, not subject to interpretation. Moreover, neither the Department nor the undersigned has flexibility in enforcing the statutory requirements. *Wright v. City of Miami Gardens*, 200 So. 3d 765, 773-74 (Fla. 2016). As ultimately determined and explained below, the Association did not comply with all the necessary statutory requirements for revitalization. To excuse the Association's actions in this case in failing to submit all of the required documents and information in the Owners' Packet and DEO Package would amount to an impermissible administrative waiver of the statutory requirements. *See Dep't of Educ. v. Educ. Charter Found. of Fla. Inc.*, 177 So. 3d 1036, 1039 (Fla. 1st DCA 2015).

35. Petitioner alleges the Association did not fulfill the requirements of the revitalization procedure set forth in sections 720.403 through 720.406. Each alleged violation is addressed below.

36. First, Petitioner argues the organizing committee was non-compliant because it issued communications without including the necessary contact

information of each committee member: section 720.405(1) states in relevant part:

The name, address, and telephone number of each member of the organizing committee must be included *in any notice or other document provided by the committee to parcel owners to be affected by the proposed revised declaration.* (emphasis added).

37. As found above, although the Hathorn Letter urged any questions be directed to the organizing committee members, it failed to specifically include the name, address, and telephone number of any of those organizing committee members. As such, the Association failed to comply with section 720.405(1).

38. Second, Petitioner claims the Owners' Packet failed to include a proper list of owners or necessary legal descriptions pursuant to section 720.405(2), which states in relevant part:

The organizing committee shall prepare or cause to be prepared the complete text of the proposed revised declaration of covenants *to be submitted to the parcel owners* for approval. The proposed revised documents *must identify each parcel that is to be subject to the governing documents by its legal description, and by the name of the parcel owner or the person in whose name the parcel is assessed on the last completed tax assessment roll of the county at the time when the proposed revised declaration is submitted for approval by the parcel owners.* (emphasis added).

39. Although the DEO Package did include legal descriptions of each parcel and contain a list of parcel owners, the organizing committee did not submit this information in the Owners' Packet, the materials sent to the parcel owners for approval. Accordingly, the Association did not satisfy the requirements of section 720.05(2).

40. Third, Petitioner alleges that the Owners' Packet failed to include all of the "governing documents" required by statute because it did not include the original bylaws and the 2013 bylaws. In its defense, the Association claims only recorded documents were required to be provided to the parcel owners and it is not subject to this requirement because it is a chapter 617 corporation, not a homeowners association.

41. Section 720.405(3) states in relevant part:

[If] the association is [] an existing corporation ... the organizing committee shall prepare the existing articles of incorporation and bylaws to be submitted to the parcel owners.

42. As an initial matter, the Association claims its bylaws and corporate governing documents are not subject to the requirements of chapter 720, because it is not a mandatory homeowners association. Rather, it is a not-for-profit corporation governed by chapter 617.

43. The term "governing documents" is not defined in chapter 617. In the context of revitalization, however, the term is defined as:

(8) "Governing documents" means:

(a) The recorded declaration of covenants for a community and all duly adopted and recorded amendments, supplements, and recorded exhibits thereto;

(b) The articles of incorporation and bylaws of the homeowners' association and any duly adopted amendments thereto; and

(c) Rules and regulations adopted under the authority of the recorded declaration, articles of incorporation, or bylaws and duly adopted amendments thereto.

§ 720.301, Fla. Stat.

44. Nothing in chapters 617, 712, or 720 require bylaws to be recorded for purposes of revitalization. Although the Association's original bylaws were not required to be submitted, the Association was required to provide its existing bylaws to parcel owners. Here, the Association failed to submit the 2013 revised bylaws to the parcel owners. As such, it failed to comply with the requirements of section 720.405(3).

45. Petitioner next claims that the proposed revived Restrictive Covenants are more restrictive than the previous governing documents. Section 720.405(4)(d) states:

(4) The proposed revived declaration and other governing documents for the community shall:

* * *

(d) Contain no covenants that are more restrictive on the affected parcel owners than the covenants contained in the previous governing documents, except as permitted under s. 720.404(3).

46. The proposed revitalized Restrictive Covenants are identical to the 1978 version and all the amendments. Whether the proposed revived Restrictive Covenants are more restrictive depends on what is considered a "previous governing document." The first four amendments to the Restrictive Covenants in 1999, 2005, 2006, and 2007 amended the Restrictive Covenants before they expired in 2008. Petitioner's argument that these amendments are invalid because they were enacted more than 30 years after the 1967 developer's restrictions is rejected. As found above, the Restrictive Covenants at issue did not expire until 2008.

47. The Fifth Amendment enacted in 2015, however, essentially attempted to amend a dead set of restrictions, and thus is invalid. If revitalized and "brought back to life," this amendment would require a property owner to obtain and submit an approved City permit with plans to

the Association's Review Committee before putting up a fence on the property. Because this requirement is not in the 1978 Restrictive Covenants or any of the properly enacted and recorded amendments, it is more restrictive and violates section 720.405(4)(d).

48. Fifth, Petitioner argues the Association's bylaws are inconsistent with the Articles of Incorporation. Further, he complains the "governing documents" are inconsistent with section 720.405(4)(c), which requires the proposed revised covenants to "(c)ontain the same respective amendment provisions as the previous governing documents or, if there were no amendment provisions in the previous governing document, amendment provisions that require approval of not less than two-thirds of the affected parcel owners." The undersigned lacks authority to invalidate the bylaws of the Association, and declines to invalidate the proposed revitalization efforts based on terms of the Association's bylaws or Articles of Incorporation. The validity and enforcement of these documents are governed by chapter 617, and are not within the scope of these administrative proceedings.

49. Sixth, Petitioner argues the Association failed to provide the Department with all previous governing documents. Sections 720.406(1)(b) requires that within 60 days after the majority of affected parcel owners have approved the proposed restrictions, the organizing committee or its designee (Ms. Hathorn) submit to the Department certain documentation and information including a "verified copy of the previous declaration of covenants and other previous governing documents for the community, including any amendments."

50. As noted above, the Association need not have provided the restrictions placed individually on Units 1 through 9 by the developer because those were superseded by the 1978 Restrictive Covenants. However, the Association's 2013 bylaws were not submitted to the Department. Therefore, the DEO Package was incomplete and did not comply with section 720.406(1)(b).

51. Seventh, Petitioner makes numerous arguments about the validity of amendments to the Association's bylaws and the Articles of Incorporation included in the Owner's Packet and the DEO Package. Again, only the revitalization of the Restrictive Covenants is at issue, not the validity of any other governing documents.

52. Finally, Petitioner argues the Association failed to comply with section 712.03(2), because it did not record a "notice of preservation" for the developer's restrictions recorded in 1967 to 1972. Again, those restrictions are not at issue in these proceedings. Rather, the Association seeks to revitalize the 1978 Restrictions so that it can enforce them against the parcel owners. As such, the Association did not violation section 712.03(2).

53. As detailed above, the Association failed to comply with several requirements of the revitalization process found in sections 720.405 and 720.406. These deficiencies could not have been known to the Department at the time of its initial evaluation of the DEO Package.⁴

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that the Department of Economic Opportunity enter a final order disapproving the revitalization of the Venetian Isles Homeowners Association, Inc.'s expired restrictive covenants.

⁴ The undersigned is cognizant of the fact that the Association has recorded the revitalized Restrictive Covenants at issue, but makes no finding or conclusion regarding the appropriate action in the circuit court case.

DONE AND ENTERED this 17th day of August, 2020, in Tallahassee, Leon
County, Florida.



HETAL DESAI
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Filed with the Clerk of the
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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.