

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL  
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2022-007798-CA-01

SECTION: CA22

JUDGE: Beatrice Butchko

**Ana Danton**

Plaintiff(s)

vs.

**Hammocks Community Association Incorporated**

Defendant(s)

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**AMENDED AGREED ORDER GRANTING RECEIVER'S MOTION TO APPROVE  
ELECTION PROCEDURE**

THIS CAUSE having come before the Court on the Receiver's Motion to Approve Election Procedure (the "**Motion**"), and the Court having reviewed the Motion and being informed that this order was agreed to by the parties, and being fully advised in the premises, it is hereby

ORDERED AND ADJUDGED:

1. The Receiver's Motion is **GRANTED**.
2. The Receiver is authorized to notice and supervise the Elections of the board of directors for the Hammocks Community Association Incorporated (the "**Association**") in accordance with the procedure set forth in this Order.
3. The Association's election will be for seven (7) board seats including a fixed seat for a Class A member living in a community without a local association (i.e., managed by the Association) and a fixed seat for a Class E Member.
4. The Receiver is authorized within his sole discretion to make reasonable modifications to the Association's election procedure to ensure a fair, proper, and transparent election of the

board of directors of the Association.

5. The following shall be the election schedule and procedure for the Association:

- a. November 15, 2023: Deadline to notify members by posting on the Association's bulletin boards and the Election tab of the Association's website of the First Notice of the Annual Election inviting interested, eligible persons to apply to be a candidate to serve on the board of directors of the Association. A true and correct copy of the proposed First Notice of the Annual Election, Notice of Intent To Be a Candidate, and Candidate Information Sheet are attached as Composite Exhibit A.
- b. December 15, 2023: Deadline for receipt of the board of director candidate applications.
- c. January 25, 2024: Deadline to notify members by posting on the Association's bulletin boards and the Election tab of the Association's website of the Second Notice of the Annual Election announcing candidates, voting locations, and election procedures. This deadline shall be during January, not less than 20 days, nor more than 40 days prior to the Annual Election date.
- d. There shall be two (2) days for the members to meet and greet the candidates in person at the Clubhouse—one (1) weekday and one (1) weekend. In 2024, it shall be Tuesday, January 30, 2024, at 7:00 p.m. and Saturday, February 17, 2024, at 11:00 a.m.
- e. Early voting begins the Saturday before the election and continues Monday, Tuesday, and Wednesday at the Clubhouse following Clubhouse hours, except the Clubhouse will be open late on Wednesday until 9:00 p.m. The 2024 early voting schedule is:
  - i. Saturday, February 24, 2024, from 10:00 a.m. to 2:00 p.m.
  - ii. Monday, February 26, 2024, from 9:00 a.m. to 5:00 p.m.
  - iii. Tuesday, February 27, 2024, from 9:00 a.m. to 5:00 p.m.

- iv. Wednesday, February 28, 2024, from 9:00 a.m. to 9:00 p.m.
- f. February 29, 2024: Annual Election Day voting starting at 9:00 am with the final cut-off time for voting at 6:00 p.m. Ballot counting will commence at 6:00 p.m. and will continue until all votes cast are counted and a new board of directors is announced.
- g. March 5, 2024: First meeting of the new board of directors (acting in an advisory capacity pending Receiver's discharge), at such meeting, the board will take their seats, determine the dates, places, and times of regularly scheduled meetings, and elect officers. This meeting may be rescheduled to occur within ten (10) days of the election to accommodate the schedules of those involved.
- h. Election Monitor. The Receiver will serve as the Election Monitor for all elections of the board of directors of the Association until ordered otherwise by the Court. The Receiver will review and prepare all election documents in compliance with applicable Florida law, orders from this Court, and the governing documents of the Association. The Receiver will conduct and attend the elections in person.
- a. Campaigning. The Campaign Rules ordered by this Court on March 14, 2023, are amended with the Campaign Rules attached as Exhibit B.
- j. Zoom Live Streaming. Zoom live streaming of the opening and counting of the ballots will be made available on the Election tab of the Association's website.
- k. Background Checks. Candidates must submit to a background check to qualify to run for a board of directors seat. The background checks may be viewed only by the Election Monitor and his staff/agents. If there is nothing in the background check report to disqualify the candidate, the report will be destroyed. If the background check discloses disqualifying information, the candidate may withdraw their candidate application. Failure to withdraw the candidate's application will result in disqualification with a disclosure of the reason for the disqualification but not the

report. The background check for a disqualified candidate will be kept by the Election Monitor for one (1) year.

6. Until the termination of the receivership by the Court, the newly elected board of directors would serve only in an advisory capacity (the “**Advisory Board of Directors**”) and the Receiver will continue to be deemed president, sole director, and CEO of the Association with all the authority and control granted to a board of directors pursuant to the Association’s governing documents.
7. The Advisory Board of Directors will advise and assist the Receiver. The Advisory Board of Directors first serving in an advisory capacity will ease the transition of the Association back to the members. The Receiver is empowered to appoint legal counsel for the Advisory Board of Directors.
8. The Advisory Board of Directors shall not have any authority to act for, manage, or otherwise control the business or assets of the Association but must be prepared to assume the customary duties and obligations of the Association’s board of directors upon termination of the receivership or as further ordered by the Court.
9. Notwithstanding the advisory nature of the Advisory Board of Directors, the board would be required to comply with all procedures required by Florida law and the Association’s governing documents including attending regularly scheduled meetings.
10. Consistent with the Appointment Order, the Receiver will work with the Advisory Board of Directors to facilitate an efficient transfer of authority and control of the Association when the receivership is terminated.
11. The Receiver’s election procedure is hereby approved by this Court as the official election procedure for Annual Elections at the Association.
12. The Receiver is empowered by this Court to use his discretion to set dates, deadlines, and

schedules as well as revise deadlines, schedules, and the election procedure to address unanticipated circumstances during the election. The Receiver is empowered to establish appropriate qualifications for candidacy to the Association's board of directors and determine the sufficiency of votes. The Receiver is empowered to use his discretion to ensure a fair, proper, and transparent election of the Association's new board of directors.

### **FIRST NOTICE OF THE ANNUAL ELECTION**

#### HAMMOCKS COMMUNITY ASSOCIATION INCORPORATED

To All Members:

On Thursday, February 29, 2024, at 6:00 p.m., the Hammocks Community Association Incorporated (the "**Association**") will hold the Annual Election of the new Board of Directors. This Election will be held at the Association's Clubhouse located at 9020 Hammocks Blvd., Miami, Florida 33196. This Annual Election will be a live event with an opportunity for Members to view by Zoom live streaming.

After this FIRST NOTICE OF THE ANNUAL ELECTION, a SECOND NOTICE OF THE ANNUAL ELECTION will be posted on the Hammocks website announcing other important information such as the identity of the candidates, voting locations, election procedures, and how absentee voting will be permitted.

The purpose of this notice is to advise you of the date, time, and place of the Annual Election, to solicit nominations for the Board of Directors, and to inform you of the process for qualifying for the Board of Directors.

### **QUALIFYING FOR THE BOARD OF DIRECTORS**

The number of board seats for this Election is seven (7) including a fixed seat for a Class A member living in a Neighborhood without a local association and for a Class E member. A candidate may run for only one (1) seat.

On or before Friday, December 15, 2023, you must provide written notice of your intent to run for the Board of Directors, either by mail, email, drop box, or in person, to the Association at 9020 Hammocks Blvd., Miami, Florida 33196. The enclosed “Notice of Intent to be a Candidate” form may be used for that purpose, or a separate form if you choose. Electronic versions of the form may be delivered by email to [mdamian@dvllp.com](mailto:mdamian@dvllp.com).

You may also submit together with your notice of intent a personal information sheet, no larger than 8 ½ inches by 11 inches, containing your qualifications and/or platform for office. The enclosed “Candidate Information Sheet” form, or a separate form, may be used for that purpose. Copies of the personal information sheets will be posted on the Hammocks website along with the SECOND NOTICE OF THE ANNUAL ELECTION on January 25, 2024.

The Association will host “Meet the Candidate” events on Tuesday, January 30, 2024, at 7:00 p.m. and Saturday, February 18, 2024, at 11:00 a.m. These events will be live events with an opportunity for members to view via Zoom live streaming.

**BY ORDER OF THE RECEIVER**

**HAMMOCKS COMMUNITY ASSOCIATION INCORPORATED**

**CAMPAIGN RULES GOVERNING ELECTION AT**  
**THE HAMMOCKS COMMUNITY ASSOCIATION INCORPORATED**

To All Members:

**These rules shall govern election campaigning at the Hammocks Community Association Incorporated (“Hammocks”). The overarching purpose of these rules is best captured in a very simple and easy-to-understand concept: The Golden Rule. Thus, do unto others as we want others to do unto us, is the underlying spirit of these Campaign Rules.**

**General Guidelines**

These Campaign Rules are meant to ensure fairness, keep order, and preserve the integrity of the Election. In general, candidates should try to maintain the “spirit of the campaign,” which is an

atmosphere of friendly competition with others and respect for the Election process. Campaigning should promote harmony among the candidates and acknowledge an understanding that opposing candidates are also neighbors, and they will need to work together if they are elected.

All candidates are responsible for their campaigns, which includes others whom they know are campaigning for them. It is the responsibility of all candidates to know these Campaign Rules and to ensure that their campaign helpers or supporters follow the rules.

Campaigns may not violate any provision of the Hammocks' governing documents or applicable Florida laws. Campaigns may not interfere with (1) the Election Monitor's job to run the Election and preserve its integrity or, (2) other candidate's campaigns.

Campaigning is defined as "publicly promoting one's candidacy. This includes but is not limited to postering, email, flyers, brochures, speeches, door-to-door promoting, clothing, and online publications."

#### Campaign Rules for Official Candidates

Candidates shall not:

1. knowingly, or with reckless disregard for the truth, make any false or misleading statement;
2. make any statement, or take any action or inaction, that would reasonably be expected to impair the fairness of the Election;
3. make pledges, promises, or commitments that are inconsistent with the Hammocks' governing documents or applicable Florida law unless promoting a lawful amendment to the documents or the law;
4. campaign at or near the Clubhouse (see map attached with specific perimeter outlined in red) on all voting days or during the Annual Election, including, but not limited to, wearing, or allowing helpers or supporters to wear, campaign materials like t-shirts, face painting, costumes, or body signs;
5. place posters or campaign materials in the Clubhouse or in/on any Common Area of the Hammocks—for example, posters on trees within the Common Area of the Hammocks [campaign materials are permitted on private property];



6. bribe voters—bribery is defined as the application of such influences [giving or accepting something of value] in exchange for votes.

### Rule Violations

If you believe a particular activity violates these Campaign Rules, please contact the Election Monitor via email to Melanie Damian, Esq., [mdamian@dvllp.com](mailto:mdamian@dvllp.com). The Election Monitor’s team will acknowledge your communication within two (2) days of its receipt and copy all parties involved. The Election Monitor shall review to determine the merit of the complaint or inquiry, and, at the Election Monitor’s absolute discretion, the Election Monitor may impose sanctions up to and including disqualification even after the votes are counted. If the Election Monitor determines there has been a violation, the violation will be posted on the Hammocks Website.

### Sanctioning Guidelines

In determining an appropriate sanction for a violation of these Campaign Rules, the Election Monitor will evaluate violations based on two (2) main criteria: (1) “Does the violation violate the ‘spirit of the campaign?’” and, (2) “Does the violation give the candidate who committed it an unfair advantage in the campaign?”

Sanctions shall be imposed in such a way that “the punishment fits the offense.” The purpose of imposing sanctions is to eliminate any unfair advantage the candidate may have gained by committing the violation. Sanctions include but are not limited to official warnings, restriction or revocation of campaign rights, publication that the candidate violated these election Campaign Rules, removal from the ballot, or disqualification from the board even after the Election.

Candidates who commit severe violations that undermine the integrity of the Election void their right to be elected to office during the Election in which the violation was committed. Disqualification will be used only as a last resort for candidates who cannot be sanctioned by any other means. Disqualification can occur after votes have been counted.

**BY ORDER OF THE RECEIVER**

**HAMMOCKS COMMUNITY ASSOCIATION INCORPORATED**

**REGLAS DE LA CAMPAÑA QUE RIGEN LA ELECCIÓN EN**  
**EL HAMMOCKS COMMUNITY ASSOCIATION INCORPORATED**

A todos los Miembros:

**Estas leyes regirán la campaña electoral del Hammocks Community Association Incorporated ("Hammocks"). El propósito predominante de estas reglas se captura mejor en un concepto muy simple y fácil de entender: La Regla de Oro. Por lo tanto, hacer a los demás lo que queremos que otros nos hagan a nosotros, es el espíritu subyacente de estas Reglas de la Campaña.**

Guías Generales

Estas Reglas de la Campaña están destinadas a garantizar la equidad, mantener el orden y preservar la integridad de la Elección. En general, los candidatos deben tratar de mantener el "espíritu de la campaña," que es una atmósfera de competencia amistosa con los demás y respeto por el proceso de la Elección. La campaña debe promover la armonía entre los candidatos y reconocer el entendimiento de que los candidatos opositores también son vecinos, y tendrán que trabajar juntos si son elegidos.

Todos los candidatos son responsables por sus campañas, lo que incluye a otros que saben que están haciendo campaña por ellos. Es responsabilidad de todos los candidatos conocer estas Reglas de la Campaña y asegurarse de que sus ayudantes o simpatizantes de campaña sigan las reglas.

Las campañas no pueden violar ninguna disposición de los documentos rectores del Hammocks o las leyes aplicables de Florida. Las campañas no pueden interferir con (1) el trabajo del Monitor Electoral para ejecutar la Elección y preservar su integridad o, (2) las campañas de otros candidatos.

La campaña se define como "promover públicamente la candidatura de uno. Esto incluye, entre otros, carteles, correo electrónico, volantes, folletos, discursos, promoción puerta a puerta, ropa y

publicaciones en línea.

### Reglas de la Campaña para Candidatos Oficiales

Los candidatos no deberán:

1. con conocimiento, o con imprudente desprecio por la verdad, hacer cualquier declaración falsa o engañosa;
2. hacer cualquier declaración, o tomar cualquier acción o inacción, que razonablemente se espere que perjudique la imparcialidad de la Elección;
3. hacer promesas o compromisos que sean inconsistentes con los documentos rectores del Hammocks o la ley aplicable de Florida a menos que promueva una enmienda legal a los documentos o la ley;
4. campaña en o cerca del Clubhouse (ver mapa adjunto con el perímetro específico delineado en rojo) en todos los días de votación o durante la Reunión Anual y la Elección, incluyendo, pero no limitado a, usar, o permitir que ayudantes o simpatizantes usen, materiales de campaña como camisetas, pintura facial, disfraces o letreros corporales;
5. colocar carteles o materiales de campaña en el Clubhouse o en cualquier Área Común del Hammocks, por ejemplo, carteles en los árboles dentro del Área Común del Hammocks [los materiales de campaña están permitidos en propiedad privada];
6. sobornar a los votantes—el soborno se define como la aplicación de tales influencias [dar o aceptar algo de valor] a cambio de votos.

### Infracciones de las Reglas

Si crees que una actividad en particular infringe estas Reglas de la Campaña, comunícate con el Monitor Electoral por correo electrónico a Melanie Damian, Esq., [mdamian@dvlip.com](mailto:mdamian@dvlip.com). El equipo del Monitor Electoral reconocerá recibo de su comunicación dentro de dos (2) días posteriores a su recepción y copiará a todas las partes involucradas. El Monitor Electoral revisará para determinar el mérito de la queja o encuesta y, a discreción absoluta del Monitor Electoral, el Monitor Electoral puede imponer sanciones hasta e incluyendo la descalificación incluso después de que se cuenten los votos. Si el Monitor Electoral determina que ha habido una violación, la violación se publicará en el sitio web del Hammocks.

## Guías Sancionadoras

Al determinar una sanción apropiada por una violación de estas Reglas de la Campaña, el Monitor Electoral evaluará las violaciones en función de dos (2) criterios principales: (1) "¿La violación viola el 'espíritu de la campaña'?" y, (2) "¿La violación le da al candidato que la cometió una ventaja injusta en la campaña?" Las sanciones se impondrán de tal manera que "el castigo se ajuste a la ofensa." El propósito de imponer sanciones es eliminar cualquier ventaja injusta que el candidato pueda haber obtenido al cometer la violación. Las sanciones incluyen, pero no se limitan a advertencias oficiales, restricción o revocación de los derechos de campaña, publicación de que el candidato violó estas Reglas de la Campaña, eliminación de la boleta o descalificación de la junta incluso después de la Elección.

Los candidatos que cometan violaciones graves que menoscaben la integridad de la Elección anulan su derecho a ser elegidos para el cargo durante Elección en la que se cometió la violación. La inhabilitación se utilizará sólo como último recurso para los candidatos que no puedan ser sancionados por ningún otro medio. La descalificación puede ocurrir después de que se hayan contado los votos.

**POR ORDEN DEL SÍNDICO DEL**

**HAMMOCKS COMMUNITY ASSOCIATION INCORPORATED**

**DONE and ORDERED** in Chambers at Miami-Dade County, Florida on this 13th day of December, 2023.



2022-007798-CA-01 12-13-2023 10:39 PM

Hon. Beatrice Butchko

**CIRCUIT COURT JUDGE**

Electronically Signed

No Further Judicial Action Required on **THIS MOTION**

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

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**Physically Served:**