

ISSUE #1

Section 1: [Article IV, Section 2(j)] Signs and Banners

No signs, billboards, posters, or advertising devices of any character shall be erected, posted, or displayed upon, in, or about any Lot or Residence without the prior written approval of the Architectural Control Committee, except for one (1) standard real estate sign of custom and size approved by the Committee, which may be displayed only while the Residence is actively listed for sale through a licensed real estate broker.

MARKUP #1 ->

Section 2: [Article IV, Section 2(p)] Rooftop Equipment and Solar Collectors

No heating, air conditioning, evaporative cooling, or solar energy collecting unit or panels shall be placed, constructed, or maintained upon the roof of any Residence or Lot unless fully screened from view from neighboring properties, streets, and golf courses, or unless specifically approved in writing by the Architectural Control Committee in its sole discretion.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. Article IV, Section 2(j) (p. 1): Flag or flagpole restriction fails to include statutory exemption for the United States flag under the Freedom to Display the American Flag Act.

Statutory / Legal Reference: Freedom to Display the American Flag Act (4 U.S.C. § 5 Note) & Fla. Stat. § 720.304(2) / § 718.113(4)

Statutory Comparison: The federal Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5 Note, Pub. L. 109-243) and applicable state statutes prohibit community associations from adopting or enforcing any policy that prevents a member from displaying the flag of the United States on residential property to which the member has a separate ownership interest or right to exclusive possession or use.

CURRENT WORDING IN DOCUMENT:

[Article IV, Section 2(j)] Signs and Banners - No signs, billboards, posters, or advertising devices of any character shall be erected, posted, or displayed upon, in, or about any Lot or Residence without the prior written approval of the Architectural Control Committee, except for one (1) standard real estate sign of custom and size approved by the Committee, which may be displayed only while the Residence is actively listed for sale through a licensed real estate broker.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

In accordance with the Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5 Note) and applicable state law, any homeowner may respectfully display the official United States flag on residential property under their ownership or exclusive use.