

Section 1: [Design Manual & Rules, Solar Collector Guidelines Section 9.4] Solar Energy System Screening and Design

All solar energy panels must be integrated flush with the roof plane and screened from public view and neighboring properties so as not to compromise The Sea Ranch design philosophy. The Design Committee may require relocation or reduction in the number of panels if the installation is visible from Highway 1 or commons, even if such relocation reduces system output by up to twenty percent (20%) or increases installation cost by \$2,500.00.

MARKUP #1 ->

ISSUE #1

Section 2: [Sea Ranch Rules, Rule 6.5] Restriction on Non-Commercial Political and Advocacy Signs

To preserve the natural coastal landscape of The Sea Ranch, no non-commercial signs, posters, flags, or banners expressing political, social, or civic views may be displayed on any Lot exterior or window, except within thirty (30) days prior to a statewide election, and no sign may exceed four (4) square feet.

Section 3: [Sea Ranch Rules, Rule 2.3] Emergency Rule Adoption Without 28-Day Member Comment Period

The Board of Directors may adopt, amend, or repeal any Operating Rule at any regular meeting by majority vote upon seven (7) days' posting on the Association website, and any rule so adopted shall remain in full force and effect indefinitely until repealed by the Board.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. Sea Ranch Rules, Rule 6.5 (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:

[Sea Ranch Rules, Rule 6.5] Restriction on Non-Commercial Political and Advocacy Signs - To preserve the natural coastal landscape of The Sea Ranch, no non-commercial signs, posters, flags, or banners expressing political, social, or civic views may be displayed on any Lot exterior or window, except within thirty (30) days prior to a statewide election, and no sign may exceed four (4) square feet.

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.