

Section 1: [2014 Responsible Governance Policies, Policy for Collection of Unpaid Assessments (Pages 6 – 19)] Comp

MARKUP #1 ->

It is in the best interest of the Association to refer delinquent accounts promptly to an attorney or collection agency for collection so as to minimize the Association's loss of assessment revenue...

Section 2: [2014 Responsible Governance Policies, Policy for Covenant and Rule Enforcement, Section 12 (Page 30)] C

12. Collection of Fines. Fines not paid when due may be collected in the same manner as the collection of assessments.

Section 3: [2014 Responsible Governance Policies, Policy for Covenant and Rule Enforcement, Section 14 (Page 30)] F

14. Repetitious Violations. Repetitious Violations are defined as a series of identical or substantially similar individual violations that occur repeatedly or continuously within a period of time to be determined in the discretion of the Board, with each individual violation subject to a separate fine...

Section 4: [2014 Responsible Governance Policies, Policy for Conflicts of Interest, Section 3 (Page 24)] Approval of Co

3. No conflicting interest transaction shall be voidable by an Owner or on behalf of the Association if: (a) The facts about the conflicting interest transaction are disclosed to the Board, and a majority of the disinterested Directors, even if less than a quorum, in good faith approves the conflicting interest transaction...

Section 5: [Design Guidelines (Updated August 2017), Section III] Landscape Plan and Site Improvements Review

All landscape plans, grading, and site improvements must be submitted to and approved in writing by the Design Review Committee prior to installation.

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Section 6: [Design Guidelines (Updated August 2017), Section IV] Signs, Flags, and Rooftop Equipment Restrictions

No signs, billboards, or advertising devices of any nature except approved address markers and builder/real estate signs meeting Design Review Committee specifications shall be erected or maintained on any Lot.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. Design Guidelines (Updated August 2017), Section IV (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:

[Design Guidelines (Updated August 2017), Section IV] Signs, Flags, and Rooftop Equipment Restrictions - No signs, billboards, or advertising devices of any nature except approved address markers and builder/real estate signs meeting Design Review Committee specifications shall be erected or maintained on any Lot.

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.