

ISSUE #1

MARKUP #1 ->

Section 1: [Declaration Article IX, Section 6] Signs and Billboards Prohibition

No sign or billboard of any kind shall be erected or displayed to the public view on any Lot or Common Property except one (1) official sign of not more than five (5) square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period. Political signs, candidate posters, and advocacy banners are prohibited.

Section 2: [Declaration Article X, Section 2 & Supplemental Rental Rules] Board Modification of Residential Leasing Rules

Lots shall be used for single-family residential purposes only, and the Board of Directors may adopt and amend rules restricting or prohibiting the leasing of Lots, which restrictions shall immediately apply to all existing Property Owners upon adoption by the Board.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. Declaration Article IX, Section 6 (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:

[Declaration Article IX, Section 6] Signs and Billboards Prohibition - No sign or billboard of any kind shall be erected or displayed to the public view on any Lot or Common Property except one (1) official sign of not more than five (5) square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period. Political signs, candidate posters, and advocacy banners are prohibited.

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.