

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

4. All Property Managers must be bondable, fully insured and licensed by the State of Florida.

5. The Property Management companies will, upon request by the Association, comply with coordination, scheduling, information provision requests, and policy and procedure directives of the Association. They will at all times comply with Florida Statutes, the Fisher Island Master Covenants, and the Condominium or Homeowners' Association covenants, Articles of Incorporation and By-Laws. Failure to do so may result in denial of access and/or legal action by the Association.

6. If a Property Management company creates a labor dispute via its choice of Subcontractors or Contractors for Property Management services, it must resolve such within twenty-four (24) hours of notification by the Association, at its expense.

SECTION 25
HURRICANE SHUTTERS AND WINDOW AND DOOR REPLACEMENT

No hurricane shutters or similar installations shall be used on or for any Unit unless same is of the type approved by the Community Association and is installed in accordance with any guidelines established in such regard by the Community Association Any exterior door and/or window replacement request must be approved through the Architectural Control Committee (ACC) process.

SECTION 26
ARCHITECTURAL CONTROL COMMITTEE RULES AND REGULATIONS

The Architectural Control Committee (ACC) shall consist of three (3) members, which are designated as outlined in the First Amendment to the Second Amended and Restated Master Covenants for Fisher Island.

The purpose of requiring approvals to modifications of building exteriors is to ensure that the architectural integrity of the structures on Fisher Island is maintained.

The ACC is empowered by the Master Covenants for Fisher Island. Specifically, all modifications of any kind, including window and door replacement, painting, antennae placement, satellite dishes, etc., to the exterior of a building must be approved by the ACC. The ACC, however, does not review or comment on exterior modification requests until such time as the Condominium or Homeowners' Association produces the following:

INSTRUCTIONS FOR HOMEOWNERS

- You, as the Owner, will follow the steps below in preparation of your request “package”. That package must be submitted to your Property Manager so that your request can be placed on the agenda for the next meeting of your Association Board of Directors. That

Sec. 26 (p. 20): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas is preempted by federal FCC OTARD regulations.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, as expanded by the 2021 OTARD Report and Order, FCC 21-10) preempts community association restrictions that prohibit, charge application fees for, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of television broadcast antennas, direct-broadcast satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

modifications of any kind, including window and door replacement, painting, antennae placement, satellite dishes, etc., to the exterior of a building must be approved by the ACC. The ACC, however, does not review or comment on exterior modification requests until such time as the Condominium or Homeowners' Association produces the following:

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless broadband hub/relay device, or satellite dish of one meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).

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