

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. OIR, PINKERTON (p. 9): Renewable Energy, Solar Orientation, EV Charging, or Water-Wise Landscaping Conflict: Clause prohibits or impairs solar collectors, solar drying lines, EV charging stations, or drought-tolerant landscaping in conflict with FL law.

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

Statutory Comparison: Under Fla. Stat. §§ 163.04(2), 718.113(8), 720.3075; Fla. Stat. Ch. 718 (Condominium Act); 47 C.F.R. § 1.4000, covenants and architectural rules may not prohibit solar energy systems, ban street-facing solar panels without the statutory efficiency/cost safe harbor, prohibit residential EV charging stations in designated parking areas, or ban statutorily protected drought-tolerant landscaping or solar drying lines.

CURRENT WORDING IN DOCUMENT:

and aerials unit and erect no exterior antennas except as provided uniform regulations promulgated by the Association. Plumbing and electrical repairs within a unit shall be paid for and be the financial obligation of the owners of the unit, but for repairs and electrical wiring within the common elements.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section OIR, PINKERTON to incorporate the mandatory statutory safe harbors of Fla. Stat. §§ 163.04(2), 718.113(8), 720.3075; Fla. Stat. Ch. 718 (Condominium Act); 47 C.F.R. § 1.4000, permitting OTARD reception antennas (up to 1 meter in diameter without prior approval) and solar/EV/water-wise installations within statutory parameters.

830 n 728

immoral or illegal act in his unit or on the common elements.

g. Conform to and abide by the Bylaws and uniform house rules and regulations in regard to the use of the unit and common elements which may be adopted in writing from time to time by the Board of Directors of the Association, and to see that all persons using owner's property, by, through or under him do likewise.

h. Make no alteration, decoration, repair, replacement or change of the common elements or to any outside or exterior portion of the building whether within a unit or part of the common elements.

i. Allow the Board of Directors or the agents and employees of the Association to enter any unit for the purpose of maintenance, inspection, repair, replacement of the improvements within units or the common elements or to determine compliance with this Declaration and Bylaws of the corporation.

j. Show no sign, advertisement or notice of any type on the common elements or his unit and erect no exterior antennas and aerials except as provided uniform regulations promulgated by the Association.

k. Plumbing and electrical repairs within a unit shall be paid for and be the financial obligation of the owners of the unit, whereas the corporation shall pay for and be responsible for repairs and electrical wiring within the common elements.

l. Comply with all the provisions of this Declaration regarding rentals of his unit.

22. ENFORCEMENT OF MAINTENANCE. In the event the owner of a unit fails to maintain it as required above, the Association or any other unit owner shall have the right to proceed in a court of equity to seek compliance with the foregoing provisions; or the Association shall have the right to assess the unit owner and the unit for the necessary sums to put the improvements within the unit in good condition. After such assessment, the Association shall have the right for its employees or agents to enter the unit and do the necessary work to enforce compliance with the above provision.

23. DESTRUCTION OF IMPROVEMENTS AND INSURANCE.

23.1 The Association shall obtain fire and extended coverage insurance insuring all of the insurable improvements within the condominium property for the full insurable value (actual replacement cost) thereof, and the premium for such coverage and all other insurance deemed desirable by the Association shall be assessed against the owners of each unit as heretofore provided. The aforesaid insurance shall be evidenced by one blanket policy insuring all improvements as aforesaid.

23.2 In the event a loss occurs to any improvement within any of the units alone, without any loss occurring to any of the improvements within the common elements, payment under the policy shall be made to the members owning such units and their mortgagees as their interest may appear, if there be mortgages on said units and it shall be the duty of those members to effect the necessary repairs to the improvements within their respective units.

23.3 In the event that loss occurs to improvements within units and the contiguous common elements alone, payment under the policy shall be made jointly to the association and to the holders of mortgages in the units, and the proceeds shall be expended or

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