

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 18. (p. 35): Clause prohibits or authorizes arbitrary denial of hurricane shutters, impact glass, or storm panels conforming to the Florida Building Code in conflict with HB 1203 / HB 1021 / HB 1029.

Statutory / Legal Reference: Fla. Stat. § 720.3035(6) (HB 293 / HB 1203)

Statutory Comparison: Under Fla. Stat. § 720.3035(6) (HB 293 / HB 1203), both homeowners' associations and condominium associations must adopt hurricane protection specifications (which may govern style and color) and are expressly prohibited from denying an application for the installation, enhancement, or replacement of hurricane protection - including permanent storm shutters, impact-resistant glass, code-compliant storm panels, reinforced exterior doors, and metal/storm-hardened roofs - that conform to the adopted specifications and the Florida Building Code.

CURRENT WORDING IN DOCUMENT:

or finish, awnings, shutters, hurricane protection, basketball hoops, swing sets or play apperati, decorative plaques or accessories, statues, benches and other site furniture, planters, birdhouses, other pet houses, mail and/or newspaper boxes, exterior lighting, swales, asphaltting,

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 720.3035(6) (HB 293 / HB 1203), the Board/ARC shall adopt hurricane protection specifications and shall not prohibit or deny any owner application to install, enhance, or replace hurricane shutters, impact-resistant glass, storm panels, exterior doors, or roofing systems that meet or exceed the Florida Building Code and conform to the Association's adopted hurricane protection specifications.

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areas designated by the Association for such purposes, if any, and the Owner of any pet shall at all times be responsible for clean-up and proper disposal of their pet's excretions. For purposes hereof, "household pets" shall mean dogs, cats and other animals expressly permitted by the Association, if any. ALL PETS SHALL BE KEPT ON A LEASH WHEN NOT IN THE APPLICABLE UNIT OR FULLY ENCLOSED REAR YARD OR OTHER ENCLOSED AREA AS APPROVED BY THE MODIFICATIONS COMMITTEE. NO INVISIBLE FENCING OR ANY OTHER SIMILAR TYPE OF ELECTRONIC FENCING SHALL BE PERMITTED. Pets shall be registered, licensed and inoculated as required by law and shall also be subject to all applicable rules and regulations. Nothing contained herein shall prohibit the keeping of fish or domestic (household-type) birds, as long as the latter are kept indoors and do not become a source of annoyance to neighbors.

Section 17. Visibility at Intersections. No obstruction to visibility at street intersections or Common Area intersections shall be permitted; provided that the Association shall not be liable in any manner to any person or entity, including Owners and Members Permittees, for any damages, injuries or deaths arising from any violation of this Section.

Section 18. Architectural Control. All new and initial construction shall be reviewed and approved by the Lake Club Design Review Committee in accordance with the Lake Club Design Guidelines, and such other manual, regulations and restrictions, inclusive of amendments or modifications thereto, as promulgated by the Lake Club Design Review Committee and are then in effect. Except as to initial construction by Declarant or Builders subject to Article X hereof, no building or other structure or improvement or addition of any nature (including, but not limited to, fences, walls, swimming pools, screen enclosures, patios or patio extensions, hedges, exterior paint or finish, awnings, shutters, hurricane protection, basketball hoops, swing sets or play apperati, decorative plaques or accessories, statues, benches and other site furniture, planters, birdhouses, other pet houses, mail and/or newspaper boxes, exterior lighting, swales, asphaltting, sidewalk/driveway surfaces or treatments or other improvements or changes of any kind, even if not permanently affixed to the land or to other improvements) shall be erected, placed, altered or relocated on any Lot, or removed therefrom, until the construction plans and specifications and a plan showing the location of the structure and landscaping or of the materials as may be required by the Modifications Committee (which shall be a committee appointed by the Board of Directors of the Association, absent such appointment the Board shall serve in such capacity) have been approved, if at all, in writing by the Modifications Committee and all necessary governmental permits are obtained. Conversions of garages to living space or other uses are hereby prohibited, even though same are not readily apparent form the exteriors of applicable Units.

All structures and improvements on each Lot shall be governed by the mandatory standards, requirements, prohibitions and criteria for the design, construction and alteration of improvements as are prescribed by and contained in the design criteria manual for Lake Club ("The Lake Club Design Guidelines") as same may be modified or amended from time to time. Each building, wall, fence, or other structure or improvement of any nature, together with landscaping, shall be erected, placed, relocated, altered or removed only in accordance with the plans and specifications and plot plan so approved and applicable governmental permits and requirements. Refusal of approval of plans, specifications and location plans, or any of them, may be based on any