property not to exceed $100.00 per month. The homeowner shall have an opportunity to have his or her objection to the fine heard by a violations re committee upon the homeowner's timely request for said hearing as more fully set forth in Part C, Paragraph 2a. Failure to pay the fine may result in the filing of a claim of lien against the subject property by the Board of Directors to secure payment of the fines(s). A foreclosure action may be brought against the subject property to satisfy the lien and recover such attorney's fees, costs and interest as may be incurred as a result of the alleged violation.

2. Part B, Paragraph 11 of the Restrictions is hereby amended to read in its entirety as follows:
11. ROOFS: All buildings shall have barrel tile, flat tile, or standing metal seam roofs that are made of cement, clay, or steel, except that flat roofs, where approved, may be built with other materials approved by the Board of Directors.

3. Except as herein amended, all of the provisions of the Declaration of Restrictions shall remain in full force and effect.

The MIAMI LAKES LAKE GLENN ELLEN HOMEOWNERS' ASSOCIATION, INC., a Florida not-for-profit corporation, hereby agrees and consents to this Amendments to the Declaration of Restrictions for Miami Lakes Lake Glenn Ellen, setting its hand and seal this 20th day of August, 2021.

Signed, sealed and delivered by Georgina Luces, PRESIDENT and Tina Gallinar, SECRETARY. Notarized by Esperanza Reynolds, Notary Public of the State of Florida, Commission # GG361584 Expires on 09-14-2023

4. Annual Meeting
The regular annual meeting of the members shall be held on a date in the last quarter of the calendar year and at a time and place as shall be determined by the Board of Directors.

ISSUE #1

5. Antennae, Solar Hot Water Systems, Satellite Dishes and A/C Equipment Only television/F.M. stereo antennae and satellite dishes of an approved size and height shall be allowed. All exterior antennae or aerials shall be placed in the rear yard or patio of the Lot and in such a manner as to be as unobtrusive as possible, and in no event shall exceed a height greater than ten (10) feet above the highest point of the roof of the unit. All plans for the installation and location of a satellite dish or other exterior antennae or other communication equipment or devices must be first approved by the Board of Directors. Said plans must be drawn to scale and clearly show compliance with Board of Directors guidelines as to size and location, as are

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW — BOARD & COUNSEL REVIEW

Sec. 11 (p. 18): 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:
5. Antennae, Solar Hot Water Systems, Satellite Dishes and A/C Equipment Only television/F.M. stereo antennae and satellite dishes of an approved size and height shall be allowed. All exterior antennae or aerials shall be placed in the rear yard or patio of the Lot and in such a manner as to be as unobtrusive as possible, and in no event shall exceed a height greater than ten (10) feet above the highest point of the roof of the unit.

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).