Section 1: [Article I, Section 1.1] Definitions, Purpose, and Governing Act

This Declaration of Covenants, Conditions, and Restrictions (or Declaration of Condominium) establishes the governance framework, maintenance obligations, and property covenants for all Lots and Units within the Association in the State of Florida.

Section 2: [Article II, Section 2.1] Membership and Voting Rights

Every record Owner of a fee or undivided fee interest in any Lot or Unit shall be a mandatory Member of the Association and shall be entitled to one (1) vote per Lot or Unit in all Association affairs.

Section 3: [Article VIII, Section 8.5] Landscaping Standards and Mandatory St. Augustine Turf

Every Lot in PANACHE HOMEOWNERS ASSOCIATION, INC. shall be sodded with 100% St. Augustine sod only across all front and side yards. Xeriscaping is prohibited, and Florida-friendly landscaping or drought-tolerant native turf is not permitted within the community.

ISSUE #1

Section 4: [Article VIII, Section 8.9] Renewable Energy Devices and Exterior Clotheslines

No solar collectors or solar panels shall be installed on any roof slope visible from any street in PANACHE HOMEOWNERS ASSOCIATION, INC., and exterior clotheslines are prohibited on all Lots.

Section 5: [Article IX, Section 9.2] Architectural Control Scope and Interior Remodeling

No exterior or interior modification, interior alteration, or central air-conditioning replacement shall be commenced on any Lot in PANACHE HOMEOWNERS ASSOCIATION, INC. even if not visible from the exterior unless approved in writing by the Architectural Control Committee. The Committee may deny any application for purely aesthetic matters in the sole opinion of the Committee without stating a reason.

Section 6: [Rules & Regulations, Rule 11.4] Seasonal and Holiday Decorations Policy

Holiday decorations and Christmas lights in PANACHE HOMEOWNERS ASSOCIATION, INC. must be removed no later than January 5th of each year. Any Owner failing to remove holiday decorations by January 5th shall be subject to an automatic daily fine of $50.00 per day effective immediately on January 6th without prior written notice.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE — BOARD & COUNSEL REVIEW

Sec. Article VIII, Section 8.5 (p. 1): Covenant prohibits or unlawfully restricts Florida-Friendly Landscaping in direct violation of Fla. Stat. § 373.185.

Statutory / Legal Reference: Fla. Stat. § 373.185(3)(b)

Statutory Comparison: Florida Statute § 373.185(3)(b) explicitly provides that deed restrictions, covenants, or local rules may not prohibit or be enforced so as to prohibit any property owner from implementing Florida-Friendly Landscaping on their land.

CURRENT WORDING IN DOCUMENT:

Landscaping Standards and Mandatory St. Augustine Turf - Every Lot in PANACHE HOMEOWNERS ASSOCIATION, INC. shall be sodded with 100% St. Augustine sod only across all front and side yards. Xeriscaping is prohibited, and Florida-friendly landscaping or drought-tolerant native turf is not permitted within the community.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided, however, that pursuant to Fla. Stat. § 373.185(3)(b), nothing herein shall prohibit or be enforced to prohibit any owner from installing and maintaining Florida-Friendly Landscaping, drought-tolerant turf, or native flora approved by the University of Florida IFAS Extension.