

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 VII, Section 7.6] Landscaping and Mandatory St. Augustine Turfgrass

Every Lot Owner shall maintain at least eighty percent (80%) of the front and side yard area in irrigated St. Augustine sod. Rock gardens, xeriscaping, drought-tolerant groundcovers, or Florida-friendly turf alternatives are prohibited, and Owners shall be fined for brown or dormant grass even during municipal or water management district irrigation restrictions.

Section 4: [Article VII, Section 7.9] Signage and Security Contractor Signs

No sign of any kind shall be displayed to the public view on any Lot except one (1) standard real estate 'For Sale' sign not exceeding four (4) square feet. Political signs, contractor signs, and home security alarm signs or decals of any size are strictly prohibited anywhere on the Lot or near entrances.

ISSUE #1

[Article IX, Section 9.2] Architectural Review Committee Discretion

The Architectural Review Committee (ARC) may approve or disapprove any proposed exterior modification, fence, or storm shutter installation in its sole and absolute discretion based on purely aesthetic considerations, without any obligation to cite a specific published standard or provide written reasons for denial.

Section 6: [Article IV, Section 4.5] Proxy Voting Limitation at Membership Meetings

At all meetings of the Members, including the election of Directors, votes may be cast by general proxy; provided, however, that no single Member may hold or vote more than two (2) proxies for other Lots.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article VII, Section 7.9 (p. 1): Protected Political/Real-Estate Signage, Flag, or Religious Display Restriction: Clause bans all yard signs without a statutory political/election sign carve-out or restricts protected U.S./military flags or religious displays under FL and federal law.

Statutory / Legal Reference: Fla. Stat. Ch. 718 (Condominium Act); 4 U.S.C. § 5

Statutory Comparison: Under Fla. Stat. Ch. 718 (Condominium Act); 4 U.S.C. § 5, associations may not prohibit the display of the United States flag (4 U.S.C. § 5) or enforce blanket bans on residential yard signs that fail to carve out statutorily protected political election signs, religious door displays, or owner "For Sale/For Lease" signs where preempted by FL statute.

CURRENT WORDING IN DOCUMENT:

Signage and Security Contractor Signs - No sign of any kind shall be displayed to the public view on any Lot except one (1) standard real estate 'For Sale' sign not exceeding four (4) square feet. Political signs, contractor signs, and home security alarm signs or decals of any size are strictly prohibited anywhere on the Lot or near entrances.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Article VII, Section 7.9 to carve out statutorily protected political signs during election periods, U.S./State/Military flags under 4 U.S.C. § 5, and religious displays in accordance with Fla. Stat. Ch. 718 (Condominium Act); 4 U.S.C. § 5.