

ISSUE #1

Section 1: [Amended Restatement of Restrictions, Section 14] Flagpoles and Display of Flags

No freestanding flagpole shall be erected on any Lot without prior written Residential Modification Committee approval and payment of a modification review fee. Only one (1) United States flag not exceeding 3 feet by 5 feet may be displayed from a bracket attached to the dwelling, and no other flags, banners, or military/first-responder flags may be flown on any Lot.

Section 2: [Amended Restatement of Restrictions, Section 18] Trash Containers and Yard Waste Storage

All garbage cans, recycling bins, and yard waste containers must be stored completely inside the garage at all times and may not be stored behind a side fence or privacy enclosure. Containers may not be placed at the curb earlier than 6:00 AM on the morning of scheduled collection and must be returned inside the garage no later than 6:00 PM on the day of collection, or the Owner shall be subject to an immediate \$50.00 fine.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 1 (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. 720 (Homeowners' Association Act); 4 U.S.C. § 5

Statutory Comparison: Under Fla. Stat. Ch. 720 (Homeowners' Association 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:

[Amended Restatement of Restrictions, Section 14] Flagpoles and Display of Flags No freestanding flagpole shall be erected on any Lot without prior written Residential Modification Committee approval and payment of a modification review fee. Only one (1) United States flag not exceeding 3 feet by 5 feet may be displayed from a bracket attached to the dwelling, and no other flags, banners, or military/first-responder flags may be flown on any Lot.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section 1 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. 720 (Homeowners' Association Act); 4 U.S.C. § 5.