

ISSUE #1

3.4 Drones and Unmanned Aerial Vehicles

The POA has implemented these drone operation standards to ensure adherence to both Florida and federal laws, as well as protecting privacy, safety, and quality of life of homeowners.

The use, operation, launch, or landing of drones or other unmanned aerial vehicles is strictly prohibited throughout the Community, including individual homeowner lots and POA owned common property defined as the perimeter access road, boardwalk and adjacent preserve Common Property.

Any violation will be deemed a nuisance and may result in an immediate fine for the homeowner.

Exceptions to this policy are limited to inspections conducted for purposes such as, but not limited to:

- ☐ General Maintenance
- ☐ Damage assessment and repair facilitation
- ☐ Real Estate Photography
- ☐ Security Concerns

Notification for the exceptions above must be submitted to the POA to Venetian@ciramail.com 48 hours in advance.

Additionally, this policy does not restrict operations by law enforcement, government agencies, fire rescue, or emergency personnel acting within their official capacities.

All drone operations must comply with Federal Aviation Administration (FAA) regulations, Florida privacy and surveillance laws, and any other applicable local, state, or federal requirements. This policy is not intended to regulate navigable airspace or conflict with FAA authority.

3.5 Easement for Encroachments (Declaration Article 6.32)

An easement for encroachments, for example permitting retrieval of errant golf balls from the golf course, allows golfers to enter every exterior Lot and the Common (excluding lanais) Property at a reasonable time and in a reasonable manner to retrieve errant golf balls. Golfers must not remove the golf ball by hitting it off private Property. The ball must be retrieved and carried back to the golf course.

Golfers bear liability for any/all damage resulting from their errant golf balls for which they are responsible. An easement allowing Homeowners to enter an adjacent Homeowners Property to maintain, repair and restore any portion of the Homeowners' own Property is allowed. All damages are the responsibility of the Homeowner performing or subcontracting the work. These activities are restricted to daylight hours and the Homeowner must notify the affected neighbor 48 hours in advance.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 3.4 (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:

Drones and Unmanned Aerial Vehicles The POA has implemented these drone operation standards to ensure adherence to both Florida and federal laws, as well as protecting privacy, safety, and quality of life of homeowners.

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).