

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

(i) No antennas, aerials, ham radios, satellite dishes, basketball backboards, poles or hoops, bird feeders or other devices shall be permitted on the exterior of a Unit or the Common Elements, except as may be required in connection with the provision of a cable television or master antenna system servicing the Condominium or that comply with the terms of the Master Documents or as may be allowed by any law. No ham radios or radio transmission equipment shall be operated or permitted to be operated within the Condominium Property without the prior written consent of the Board of Directors and the Master Association.

(j) Each Unit Owner who plans to be absent from their Unit during hurricane season must prepare the Unit prior to departure by removing any and all furniture, potted plants and other movable objects, if any, from the terrace and any exterior entry area, and by designating a responsible firm or individual satisfactory to the Association to care for the Unit should the Unit suffer hurricane damage. The Board reserves the right (but is not obligated), subject to the provisions of 718.3026, Florida Statutes, and the approval of a majority of voting interests of the Condominium, to install hurricane shutters and may maintain, repair, or replace such approved hurricane shutters, whether on or within Common Elements, Limited Common Elements, or Units. However, where laminated glass architecturally designed to function as hurricane protection which complies with the applicable building codes has been installed, the Board may not install hurricane shutters. The Board may operate shutters installed pursuant to this paragraph without permission of the Unit Owners only where such operation is necessary to preserve and protect the Condominium Property. The expense of installing and repairing hurricane shutters by the Board shall constitute a Common Expense.

The Board shall adopt hurricane shutter specifications which shall include color, style, and other factors deemed relevant by the Board, which specifications shall comply with the applicable building code. Notwithstanding anything to the contrary herein, the Board shall not refuse to approve the installation or replacement of hurricane shutters conforming to said specifications.

(k) Each Unit Owner acknowledges that the parking and storage areas on the lower level of the Condominium building are below the flood elevation designated in the 100 year flood plane. Each Unit Owner is responsible to remove his or her car and personal property from said parking and storage area in the event of a hurricane, tropical storm, or other potential flood event. Neither the Association nor the Developer shall be liable to individual Unit Owners or other persons for personal injury or property damage caused said Unit Owner’s failure to remove their property from said areas in the event of a storm.

(l) No signs, except those permitted by the Developer, shall be placed on the exterior of a Unit, showing through the window of a Unit, or in the Common Elements.

(m) No clothes or clothes lines shall be attached to or hung from the exterior of a Unit or the Common Elements.

ARTICLE XIV
SALE, RENTAL, LEASE OR TRANSFER

Sec. XIV (p. 24): 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:

No antennas, aerials, ham radios, satellite dishes, basketball backboards, poles or hoops, bird feeders or other devices shall be permitted on the exterior of a Unit or the Common Elements, except as may be required in connection with the provision of a cable television or master antenna system servicing the Condominium or that comply with the terms of the Master Documents or as may be allowed by any law.

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).