

ODED'S WEEKLY REPORT

07-19-2024

Presidential Election – Last week we spoke about the Florida Legislature, which reminded us that the presidential election is just around the corner. Like in most community associations, election day has become the most terrifying day of the year leaving Halloween in second place. This is mainly because nothing can tear a community apart than politics. Nevertheless, the right of residents to express their opinions is sacred. Therefore, LakeRidge Falls' Declaration of Covenants, Conditions, and Restrictions, Article IV, Use and Conduct 4.4, Protection of Owners and Others, states:

“The Association shall not regulate the content of political signs; however, it may regulate the time, place, size, number, and manner of posting such signs (including design criteria).”

Therefore, and to allow residents to voice their opinions most respectfully, a previous Board of Directors established a policy that stands to this day. Here are the approved guidelines:

- One political sign is allowed inside a residential window
- It cannot exceed 2' by 3' in size
- It cannot be put up until 14 days before election day
- It must be removed the day after the election

Of course, and as we came to learn from past experiences, a few residents may question the Association's ability to regulate what they perceive to be their right under the First Amendment. That is their right to express their political views in any way, shape, or form. As explained in the past, these questions raise a valid point that deserves an explanation.

If you may recall, last week we spoke about how homeowner associations are non-profit corporations, per Florida statute, that are incorporated for purposes other than making profits for their members. While in a for-profit corporation, the members are the shareholders, in a homeowner association, the members are the homeowners. When someone purchases a home in a homeowner association, she or he enters a legal and binding agreement with the other homeowners, i.e. the association, that defines the dos and don'ts, operation principles, etc. for the sole purpose of protecting the common interest of all members. In simpler terms, homeowners are not federal, state, or local governmental entities. They are, and once again, non-profit corporations.

Attorney James “Jim” Turffs, from the law firm of Tannenbaum, Lemole & Hill, explains in an article titled “The First Amendment and Managed Communities,” which is published on the firm's website ([source](#)), that:

“The First Amendment, principally, operates to prevent state actors (like local, state, or federal governments) from infringing on an individual's right to speak – even if what is being said is offensive, hurtful, or even, to some degree, untrue. However, private entities that aren't state actors are not required to observe First Amendment protections to the same degree. Florida courts have consistently found that HOAs are private creatures of contract and are, therefore, not bound by the First Amendment to the same extent as other authorities. Accordingly, HOAs can pass restrictions that abridge an individual owner's right to what would otherwise be Constitutionally protected free speech. For example, HOAs can prohibit your expression of support for a local sports team by prohibiting the flying of team flags. (Otherwise, we would all certainly have large “Go Buccaneers” flags in our yards). In the eyes of the state, your right to express your

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support of a sports team is fundamental and cannot be abridged – but to an HOA, there is a risk of starting a feud between neighbors that could disrupt the peaceful feel of the neighborhood and is therefore subject to restriction.”

Therefore, and with this in mind, we please ask that you follow this policy and be respectful of your neighbor's opinions and beliefs even if they are completely different from yours. As always, you are more than welcome to stop by our offices if you have the urge to debate about important matters such as why LeBron James will never be Michael Jordan or why golf is a game and not a sport... But on a serious note, please remember to vote. And of course, we appreciate your understanding and cooperation on this matter.

New Logo – As many know, the Association logo is as follows:



The Board of Directors felt that the 23-year-old black Association brand has achieved its useful life in appealing to current and potential new members. In an attempt to give the Association a more modern and fresher look, the Board of Directors voted during its last meeting to approve this new logo:



As you can see, the new style and color provide a modern facelift to the Association. A look that truly represents the membership's prestige, generosity, and compassion.

Electrical Power Outage – Late afternoon on Sunday, just before England was “robbed” by Spain during the UEFA European Championship game in soccer, lightning directly struck a transformer located just north of the gatehouse. As one can imagine, the gatehouse and several members of the community lost power for several hours. Thankfully, power was restored after midnight after four Florida Power & Lighting (FPL) crews diligently worked to replace the burned transformer. This is why, as a side note, we had to remove the exit arm gates near the gatehouse, i.e., to allow the FPL crews clear access to the transformer.

As always, have a healthy and safe weekend.

Sincerely,

Oded Neeman - LakeRidge Falls Community Manager