

The Sterling Voices

COMMUNITY NEWSLETTER • STERLING OAKS, NAPLES, FLORIDA

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Working Together: Understanding the Architectural Standards Process

The Architectural Standards Committee (ASC) performs an important and often thankless job on behalf of every homeowner at Sterling Oaks.

Volunteers who serve on the ASC give their time to help maintain the beauty, consistency, and property values of our community — and we are genuinely grateful for that service.

The Architectural Standards they administer — a 14-page document last updated October 23, 2025 — reflect the collective judgment of our community about how our neighborhood should look and feel. The vast majority of enforcement is routine, reasonable, and handled professionally. This newsletter is not a criticism of that work.

What this edition addresses is a narrower question: when a homeowner receives a violation notice and has genuine questions about it, what does Florida law require of both parties? Understanding this process helps everyone — it protects homeowners from procedural errors, and it helps the ASC and Board conduct enforcement in a way that is consistent, well-documented, and legally sound. Good process is good for the whole community.

What the Architectural Standards Actually Require

Understanding the difference between CC&R-based and Board-adopted rules is your first line of defense.

CC&R-BASED RULES (BOLD ITALIC IN STANDARDS)

Come directly from recorded Covenants, Conditions & Restrictions. Cannot be changed without a formal member vote.

These rules carry the full weight of the recorded CC&Rs and bind all parties equally.

BOARD-ADOPTED RULES (REGULAR TEXT)

Adopted by the Board without a member vote. Can be challenged on grounds that they:

- ◆ Exceed Board authority under the CC&Rs or Florida law
- ◆ Are applied inconsistently (selective enforcement)
- ◆ Conflict with Chapter 720 or other Florida statutes
- ◆ Fail the reasonableness standard under §720.3035
- ◆ Were adopted without proper notice/meeting procedures (§720.306)

KEY STANDARDS EVERY HOMEOWNER SHOULD KNOW

EXTERIOR PAINTING

- ◆ Select a base color from the Approved Exterior Paint Palette (Sherwin Williams).
- ◆ Homes must be repainted at least every 10 years, or sooner if deterioration is visible (peeling, fading, cracking, mold, or exposed substrate).

LANDSCAPING & TREES

- ◆ Landscaping beds must have ground covering — bare dirt is not permitted.
- ◆ Approved mulch: pine straw, wood mulch (cypress, cedar, coco brown), pine bark, neutral-colored rocks (up to 20% of front yard bed coverage).

- ◆ Touch-up painting is limited to 10% of the exterior surface area without ASC approval.
- ◆ If a color is removed from the palette, you have **8 years** from the removal date to repaint.

- ◆ Prohibited: red mulch, rubber/artificial materials, shells, white rocks, and lava rock.
- ◆ Tree removal of any kind requires a Tree Removal Request. Oaks, Mahogany, and all hardwood trees cannot be removed unless they pose a danger to life or property.

DRIVEWAYS

- ◆ Only concrete, clay pavers, or natural stone permitted. Gravel, asphalt, mulch, and grass are prohibited.
- ◆ Approved driveway paint colors: Agreeable Grey, Eider White, Cemented, Neutral Balanced Tan, Polished Concrete, and Worldly Gray (Sherwin Williams).

HURRICANE SHUTTERS

- ◆ Temporary shutters: install no earlier than 10 days before a hurricane; remove within 10 days after the storm passes.
- ◆ During hurricane season (June–November), permanently installed shutters may remain in place.

△ GENERAL RULE

Unless specifically stated otherwise, **ALL improvements and modifications require ASC approval via a Modification Request Form BEFORE work begins.**

PART TWO

Your Legal Rights as a Homeowner

Florida Chapter 720 establishes clear procedural requirements — for both sides.

Florida law sets out a clear process for both sides when a violation is alleged — one designed to be fair, transparent, and well-documented. These protections exist not to undermine the ASC's authority, but to ensure that enforcement is carried out in a way every homeowner can trust.





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✓ **WHAT TO SAY AT YOUR HEARING**

- ◆ Was proper written notice provided with sufficient detail — including the specific defect and how to cure it?
-

- ◆ Does the HOA have baseline documentation showing your property's condition before the alleged violation?
- ◆ Has this rule been enforced consistently against all homeowners with similar conditions?
- ◆ Was the inspection physically possible in the timeline shown on the violation notice?
- ◆ Was the rule properly adopted per the Governing Documents, §720.306, and Florida law?
- ◆ Does the fine exceed the \$100/day per-violation or \$1,000 total cap under §720.305(2)(b)?
- ◆ Is the committee properly constituted — no Board members, officers, employees, or their relatives?
- ◆ Did the committee actually vote to approve the fine by majority? If not, no fine may be imposed.

★ **Pro Tip:** Always ask the Committee to define the cure period in writing before you leave the hearing. For major projects like repainting, "reasonable" should mean months — not days.

5

The 8-Year Paint Color Grace Period

If a color is removed from the approved palette, homeowners currently using that color have **8 years** to demand immediate repainting simply because it updated the palette.

This is a Board-adopted rule (not CC&R-based) and must satisfy a reasonableness standard under

Quick-Scan Summary: Your Rights at a Glance

ACTION	HOA REQUIREMENT	YOUR PROTECTION
Fining	Approved by independent committee of 3+ non-Board members and their relatives (§720.305(2)(a))	<i>Board-only vote = fine is legally void</i>
Notice	At least 14 days' written notice of hearing (§720.305(2)(a))	<i>Short or absent notice = fine is void</i>
Hearing	Within 90 days of notice; written findings within 7 days after (HB 1203, eff. 7/1/2024)	<i>Untimely hearing = fine is invalid</i>
Committee Vote	Committee must approve fine by majority vote (§720.305(2)(a))	<i>Failure to approve = no fine may be imposed</i>
Fine Cap	\$100/day per violation; \$1,000 total maximum per violation (§720.305(2)(b))	<i>Any fine above the cap is unenforceable</i>
Liens	HOA cannot lien for fines alone unless governing documents authorize (§720.305(4))	<i>Fine does not automatically become a lien on your home</i>
Records	Access within 10 business days (§720.303)	<i>Willful refusal: \$50/day damages you collect (up to \$500)</i>
Paint	Repaint every 10 years or when deterioration is visible	<i>Cannot be forced to repaint a sound home solely because palette changed</i>
Mediation	Pre-suit mediation required for most disputes (§720.311)	<i>Faster, lower-cost resolution before court</i>
Atty. Fees	Prevailing homeowner may recover fees from HOA (§720.305(3))	<i>Losing HOA enforcement is financially costly for the association</i>

The 8-Year Rule: A Closer Legal Look

While the 8-year grace period is a genuine protection, a careful reading reveals a structural inequity worth understanding — particularly if you painted your home recently with a color that has since been removed from the approved palette.

The clock on the 8-year period runs from the date the color was removed from the palette, *not* from the date you painted. A homeowner who painted seven years ago in a now-removed color may have only one year remaining, while a neighbor who painted last year in the same color has eight full years. The protection varies entirely based on timing — not anything the homeowner did or failed to do.

LEGAL QUESTIONS WORTH RAISING

► **Board-adopted standard:**

Florida courts apply a reasonableness standard under §720.3035. Requiring thousands spent repainting a sound home because the Board changed its approved palette may fail that test.

- #### ► **Retroactively penalizes prior compliance:** A homeowner who selected an approved color and obtained ASC approval did everything right. Imposing a future expense because the HOA changed its mind is fundamentally different from enforcing an actual violation.

- #### ► **More restrictive than the 10-year standard:** A perfectly maintained home in a discontinued color could face an earlier deadline than a deteriorating home in an approved color. That internal

IF YOU PAINTED RECENTLY IN A NOW-REMOVED COLOR

- My color was properly approved at the time of painting. I complied fully with the rules then in effect.

- The 8-year deadline runs from palette removal, not my paint date — creating inequitable outcomes between neighbors who used the same color.

- This requirement is Board-adopted, not CC&R-based, and must satisfy a reasonableness standard (§720.3035).

- My home shows no deterioration. The 10-year repainting standard does not yet apply. I should not face a shorter deadline than a deteriorating home in an approved color.

inconsistency is difficult to defend as coherent policy.

- ▶ **Board rule adoption:** Under §720.306, the Board must follow proper notice and meeting procedures when adopting or amending rules. Rules adopted without proper procedure may be challengeable.

THE "VESTED RIGHTS" & ESTOPPEL DEFENSE FOR DISCONTINUED PAINT COLORS

Homeowners who painted with a color on the Approved Exterior Paint Palette at the time — and received ASC approval — have "vested rights" in that improvement. This gives rise to the equitable doctrine of estoppel: because you relied on the Board's own rules and incurred expense to comply, the Association may be legally barred from forcing you to repaint a non-deteriorated home simply because they later changed their mind.

Important Legal Note: Equitable estoppel in this context is a common law doctrine and a litigation defense — it is not expressly codified in Chapter 720. Its application depends on the specific facts of your situation, including your governing documents and the course of dealing with the Association. Whether this defense succeeds in any particular case requires the advice of a licensed Florida attorney. Board-adopted rules must also satisfy a reasonableness standard under §720.3035.

The Burden of Proof: What the HOA Must Show

One of the most important — and least understood — aspects of HOA enforcement is this: when the Association issues a violation notice, the **burden of proof rests with the HOA, not the homeowner**. A violation notice is an allegation, not a finding. The homeowner is not required to prove their innocence.

UNDER §720.305(2)(A), TO SUSTAIN ANY FINE THE ASSOCIATION MUST DEMONSTRATE:

- ▶ **Specific Defect Documentation:** A dated photograph clearly showing peeling, fading, cracking, mold, or exposed substrate as defined in the Architectural Standards.

- ▶ **Applicable Standard Citation:** The precise section of the October 2025 Architectural Standards that the condition violates.

- ▶ **Baseline Comparison:** Prior documentation of the property's condition, establishing what deterioration has actually occurred and when.

- ▶ **Objective Evidence:** Evidence that the condition is not normal weathering or an artifact of lighting, photography angle, or season.

- ▶ **Consistent Enforcement:** Documentation that the identical standard is applied community-wide, not selectively.

- ▶ **Committee Approval:** An affirmative majority vote of the fining/compliance committee to approve the fine. If the committee does not approve by majority, no fine may be imposed. (§720.305(2)(a))

Key Point: A notice stating "your paint is deteriorated" is the start of an enforcement process — not its conclusion. Asking the Association to substantiate its allegation is a lawful and reasonable request.

HOA SAYS: "REPAINT YOUR HOME"

- ✓ Provides a dated photo showing specific deterioration (peeling, mold, exposed substrate).

- ✓ Cites the specific AS guideline section triggered.

- ✓ Offers baseline photo showing prior condition.

- ✓ Confirms same standard is applied community-wide.

- ✓ Committee votes by majority to approve the fine.

HOMEOWNER ASKS: "PLEASE SHOW ME WHY"

A homeowner who disagrees is entitled to ask for:

- ◆ The specific AS guideline alleged to be violated.

- ◆ The dated evidence (photos, inspection report) supporting the violation.

- ◆ The baseline against which deterioration was measured.

→ *This is proper, well-documented enforcement that protects the community.*

- ◆ Confirmation that comparable properties have been treated consistently.
- ◆ Written confirmation of the cure period before leaving the hearing.

→ *This is a lawful, reasonable request — asking it is not "being difficult."*

PART THREE

The Step-by-Step Dispute Process

The goal at every step is resolution — not conflict.

If you receive a violation notice and have genuine questions about it, here is the constructive process you should follow. Document everything. Stay calm. Engage the process. Florida law sets the rules for both sides — following those rules is how disputes get resolved fairly and with dignity.

1

Document Everything Immediately

Take dated photographs of your property from multiple angles. Note the date and time you received the notice. Document the current condition of neighboring properties with similar features. This evidence is critical if the dispute escalates. Photograph any condition the HOA says is a violation, and also document what appears to be the same condition at other nearby homes.

2

Request the Inspection Records

Submit a written records request under §720.303 asking for: the inspector's name, date and time of inspection, photographs taken during inspection, baseline documentation for your property, and the enforcement history for similar violations community-wide. The HOA must respond within 10 business days. Send your request by email AND certified mail to create a timestamped record.

3**Respond in Writing to the Notice**

Do not ignore the notice. Respond in writing within any specified deadline, stating that you dispute the violation and requesting a hearing before the fining/compliance committee. Keep copies of everything you send.

Consider sending via certified mail or email with delivery confirmation. State clearly that you are not waiving any rights by responding.

4**Appear at the Fining Committee Hearing**

Present your documentation, photographs, and evidence of inconsistent enforcement. Be specific, calm, and focused on facts. Ask the committee to confirm: proper notice was provided, the committee is properly constituted (no Board members or their relatives), the inspection records are complete and accurate, and the rule is applied uniformly. Remember: the committee must approve the fine by majority vote or it cannot be imposed.

5**File a DBPR Complaint (If Necessary)**

The Florida DBPR has jurisdiction over HOAs and can investigate procedural violations, improper fines, and records denials. Filing is free. Visit: myfloridalicense.com/dbpr. DBPR complaints create an official record of the dispute and can prompt the Association to resolve the matter without further escalation.

6**Request Mandatory Pre-Suit Mediation**

Under §720.311, most covenant, records, and enforcement disputes must go through mandatory pre-suit mediation before litigation. (Note: Election and recall disputes go to DBPR binding arbitration, not mediation.)

Mediation is lower-cost and often resolves disputes without court.

Mediation is not an admission of wrongdoing.

7**Pursue Legal Action in Circuit Court**

As a last resort, file suit seeking declaratory judgment, injunctive relief, or damages. Under §720.305(3), the prevailing homeowner may recover attorney's fees from the association — a significant point of leverage.

Consult a licensed Florida attorney before initiating any legal action. The Florida Bar Lawyer Referral Service is available at floridabar.org.

→ THE COMPARATIVE EVIDENCE RULE: DEMAND THE VIOLATION LEDGER

- ◆ Specifically request the "Violation Ledger" for your street or neighborhood under §720.303.
- ◆ To prove selective enforcement, you must show the HOA is ignoring the same issue elsewhere.
- ◆ If other homes have the same "prohibited" condition but have not been cited, **the HOA cannot legally single you out.**
- ◆ This record is your most powerful comparative evidence — the HOA must provide it within **10 business days** of your written request.

Quick Reference: Your Homeowner Rights at a Glance

◆ Written notice required before any fine — including the specific defect and how to cure it	◆ Independent fining committee must approve all fines — not the Board alone (§720.305(2)(a))
◆ Committee must approve by majority vote — failure to approve = no fine may be imposed	◆ Right to a hearing within 90 days of notice issuance (HB 1203, 2024)
◆ Fines capped at \$100/day per violation; \$1,000 total maximum per violation (§720.305(2)(b))	◆ HOA cannot lien your home for fines alone unless governing documents authorize it (§720.305(4))
◆ Right to inspect all HOA records within 10 business days of written request (§720.303)	◆ Selective enforcement is a valid and powerful legal defense
◆ 8-year grace period when an approved paint color is discontinued	◆ Free DBPR complaint process available for procedural violations
◆ Mandatory pre-suit mediation for most covenant/enforcement disputes (§720.311)	◆ Prevailing homeowner may recover attorney's fees from the Association (§720.305(3))

All legal references have been verified against current Florida Statutes, including 2024 amendments (HB 1203, effective July 1, 2024):

§720.303

Records access: 10 business days. Copying fees 25¢/page. The \$50 in the statute is minimum damages (\$50/day, up to \$500 total) the HOA owes you for willful non-compliance — not a fee homeowners pay to inspect.

§720.305(2)(a)

Fining: 14-day written notice; hearing by 3+ non-board-member committee (excluding spouses, parents, children, siblings of Board members/officers/employees) within 90 days; written findings within 7 days post-hearing; payment date at least 30 days after post-hearing notice. Committee must approve by majority vote or no fine may be imposed.

§720.305(2)(b)

Fine caps: \$100/day per violation maximum; \$1,000 total aggregate per violation unless governing documents expressly authorize higher amounts.

§720.305(3)

Prevailing homeowner in enforcement litigation may recover attorney's fees from the association.

§720.305(4)

Fines do not automatically become liens. Association may not lien a property for fines unless governing documents expressly authorize it.

§720.3035

Board-adopted architectural standards are subject to a reasonableness standard. Rules that unreasonably restrict homeowner use or retroactively penalize prior compliance may be challenged.

§720.306

Board rule adoption must follow proper notice and meeting procedures. Rules adopted in violation of these procedures may be challengeable on procedural grounds.

§720.311

Pre-suit mediation required for most covenant, records, and enforcement disputes. Election/recall disputes go to DBPR binding arbitration, not mediation.

A Note from the Editor

The ASC volunteers who administer our Architectural Standards deserve our appreciation. They give their personal time to a task that most residents benefit from but few would want to take on. *The Sterling Voices* has nothing but respect for that service.

This newsletter exists because a well-informed community is a stronger community. When homeowners understand the process — and when the ASC has the documentation and consistency to support its decisions — enforcement becomes clearer, fairer, and more trusted by everyone.

If you have received a violation notice and have genuine questions about it, we encourage you to engage the process calmly and constructively. Ask for the documentation. Attend your hearing. Work with the committee. Florida law sets the rules for both sides — and following those rules together is how we build a community we're all proud to live in.

— ***The Sterling Voices Editorial Team***

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Citations to Florida Statutes and legislative acts are provided for the reader's convenience. Such citations do not constitute a legal opinion that those statutes apply to any particular dispute, or that they have been correctly interpreted.

2. Consult a Licensed Florida Attorney

Florida HOA law is complex, fact-specific, and subject to continuous change. Before taking any legal action — including responding to a violation notice, disputing a fine, or pursuing mediation — consult a licensed Florida attorney. Florida Bar Lawyer Referral Service: floridabar.org | (800) 342-8060.

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Note: Verify the Florida Legal Aid URL directly — regional availability varies.