

Prepared by and return to:

✓ Cindy A. Hill, Esq.
Tannenbaum Lemole & Hill
614 S. Tamiami Trail
e Osprey, FL 34229



**FIRST AMENDMENT TO THE DECLARATION OF CONDOMINIUM
OF FRANCES CARLTON CONDOMINIUM**

THIS CERTIFICATE OF AMENDMENT is executed this 28th day of March, 2023, by Francis Carlton Condominium Association, Inc., a Florida not-for-profit corporation (hereinafter the "Association").

RECITALS

WHEREAS, the Association has been established for the operation of Frances Carlton Association, Inc., in accordance with the Declaration of Condominium of Frances Carlton Condominium (the "Declaration") that was recorded on July 31, 2001 at Instrument No. 2001108976 of the Public Records of Sarasota County, Florida; and,

WHEREAS, the amendments to Declaration were submitted to the Members of the Association at the meeting of the Members held on March 14, 2023, which Meeting was duly noticed in accordance with the Florida Statutes; and,

WHEREAS, not less than eighty percent (80%) of all Unit Owners of the Association voted to approve the proposed amendments;

NOW THEREFORE, the Association does hereby state as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.
2. All present and future Members of the Association shall be bound by the amendments to the Declaration.

New language is indicated by underlined type. Deleted language is indicated by ~~striketrough~~ type.

Section 14.4 of Article 14 is amended as follows:

14.4 Nuisance

A Dwelling Unit Owner shall not permit or suffer anything to be done or kept in his or her Dwelling Unit which will: (i) increase the insurance rates on his or her Dwelling Unit or the Common Elements; (ii) obstruct or interfere with the rights of other Dwelling Unit Owners or the Association; or (iii) annoy other Dwelling Unit Owners by unreasonable noises or otherwise. These prohibitions may include, but shall not be limited to, intrusion from the use of medically prescribed marijuana which is smoked, or vaped and/or used in another aerosol manner, into other Dwelling Units and/or the Common Elements. A Dwelling Unit Owner shall not commit or permit any nuisance of any immoral or illegal act in his or her Dwelling Unit or on the Common Elements.

Section 14.7 of Article 14 is amended as follows:

14.7 Children

Children ~~under twelve (12) years of age~~ are the responsibility of their parents or legal guardians, ~~including full supervision of them while within the Condominium Property and including full compliance by them with the Condominium Documents.~~ All children under eight (8) ~~twelve (12)~~ years of age shall be accompanied by a responsible adult when using the pool or other recreational areas of the Condominium and said children shall be required to comply with the directions of ~~employees of Developer and~~ the Association. Temporary revocation of pool or other privileges for disobedience or other unacceptable conduct may be imposed on such children.

A new Section 14.19 of Article 14 is added as follows:

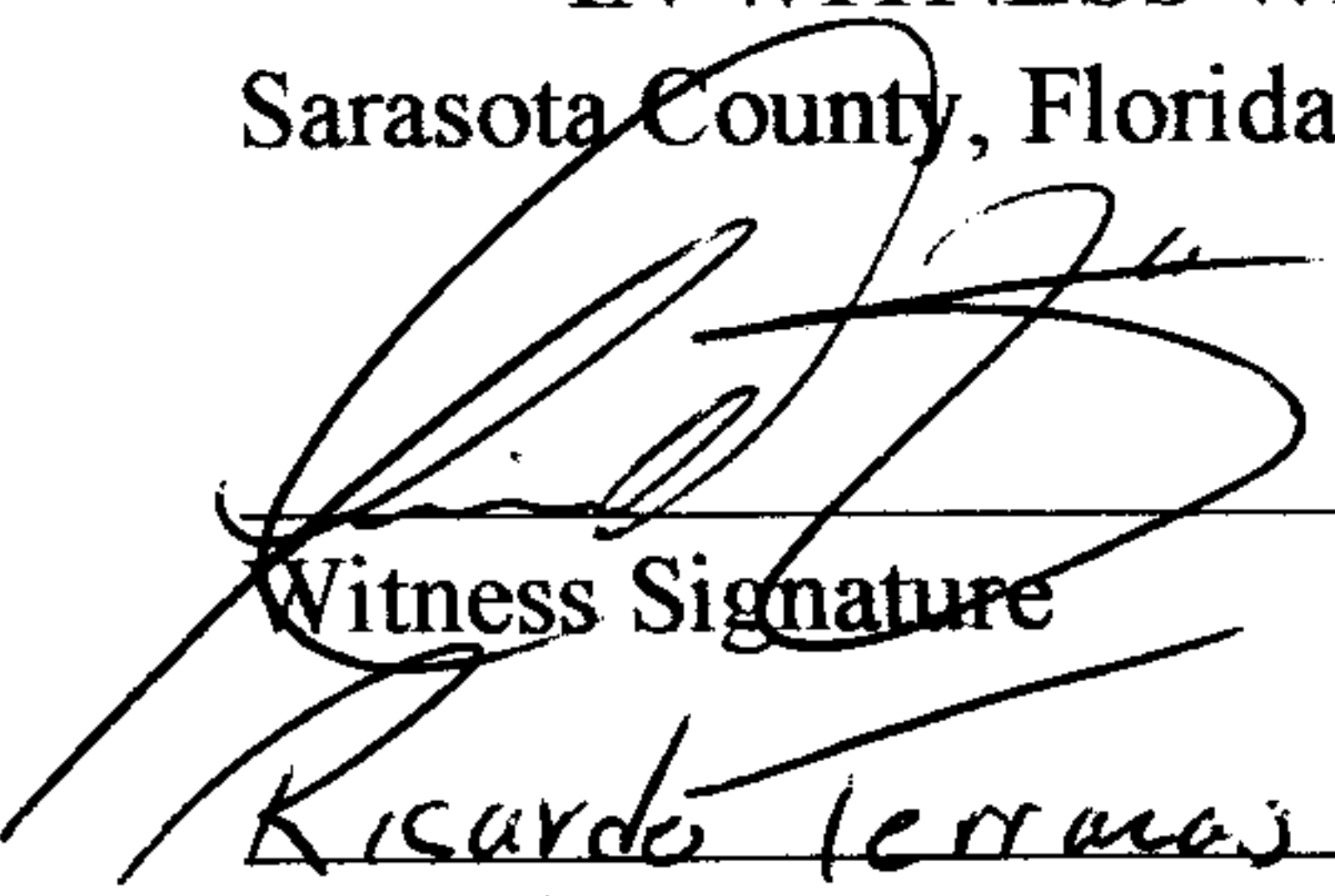
14.19 Smoking Prohibition.

Both the smoking of tobacco and vaping of any tobacco products, including but not limited to cigarettes, e-cigarettes, cigars, vaping or other aerosol use, is prohibited throughout the Condominium Property, including inside the Dwelling Units and both inside and outside in the Common Elements. In the event that marijuana shall be legally approved in Florida for recreational use, such smoking, vaping, or other aerosol use of marijuana shall be similarly prohibited.

Dwelling Unit Owners, tenants, and other occupants who have legal authorization in the State of Florida to use medical marijuana shall not smoke, vape, and/or make aerosol use of same without obtaining a written accommodation from the Board for such use.

All other Sections remain unchanged.

IN WITNESS WHEREOF, we have affixed our hands this 28 day of March 2023, in Sarasota County, Florida.

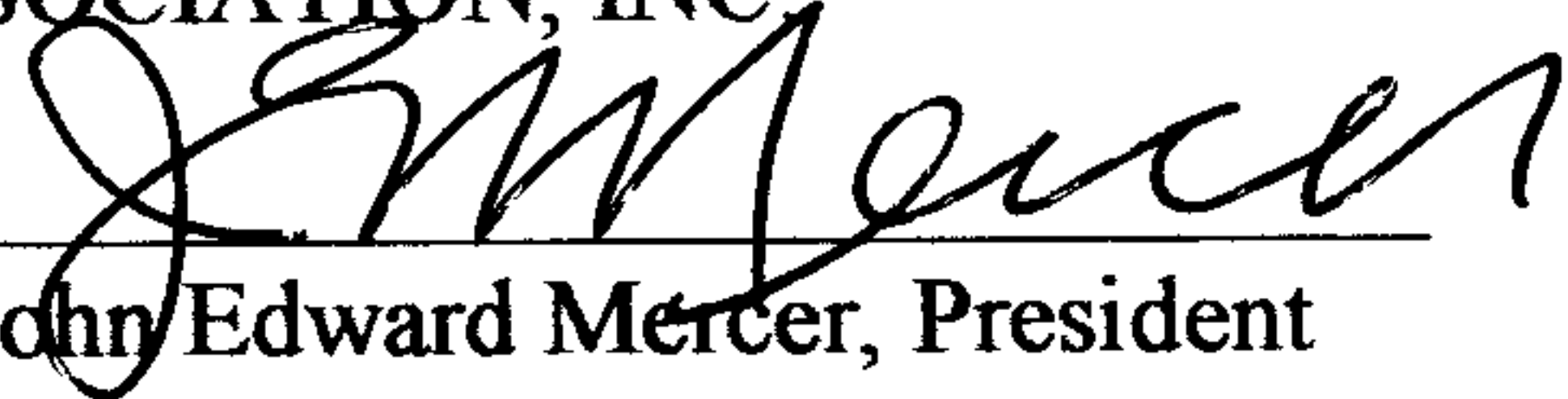


Witness Signature

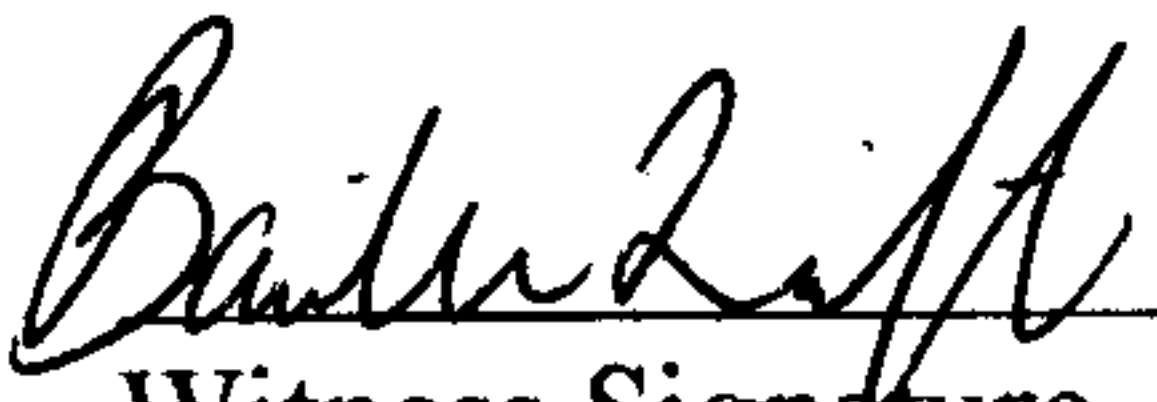
Ricardo Terrazas

Printed Name

FRANCES CARLTON CONDOMINIUM
ASSOCIATION, INC

By: 

John Edward Mercer, President



Witness Signature

Bailee Lingerfelt

Printed Name

By: 

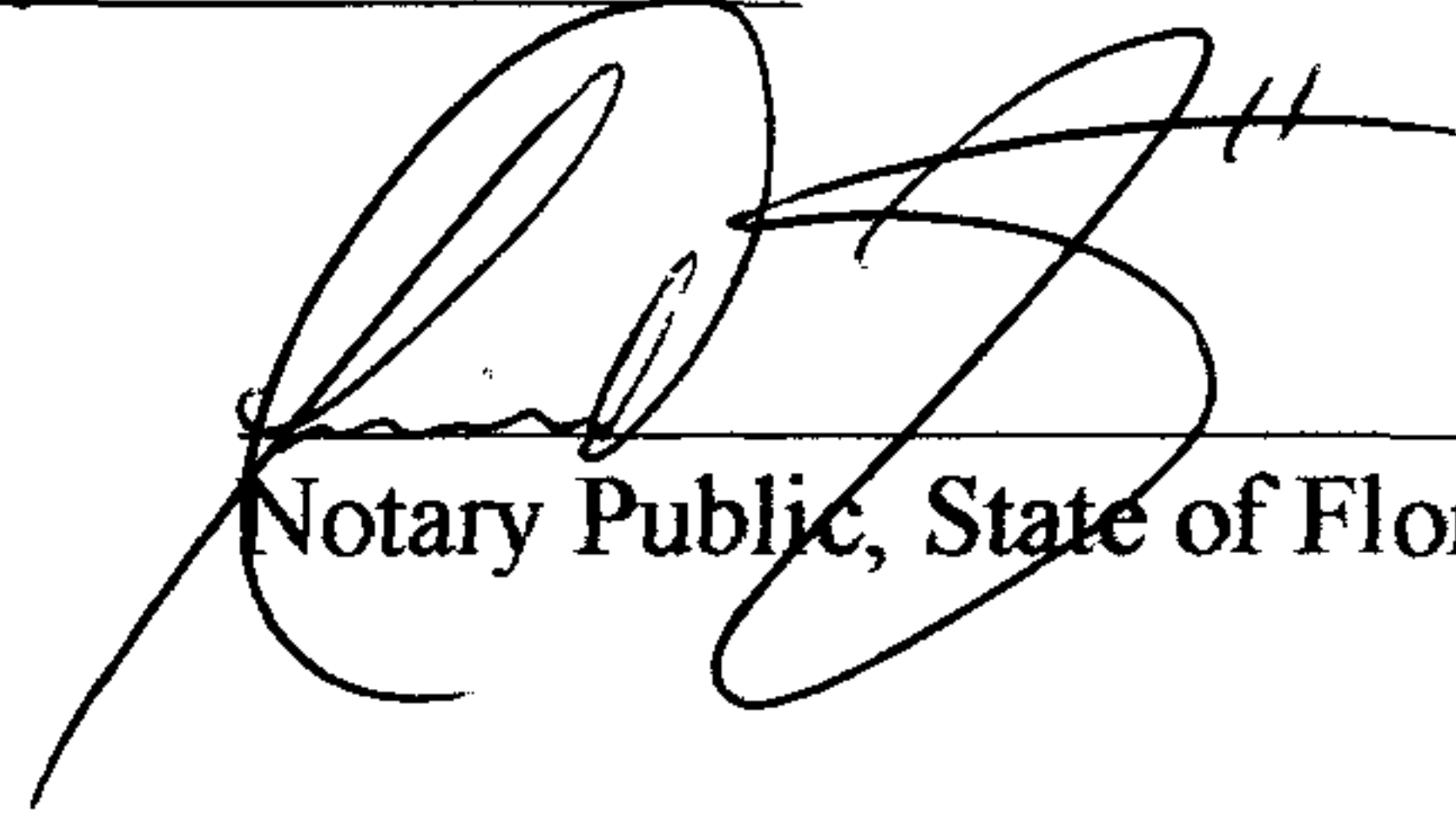
Attest: Carol Stevens, Secretary

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 28 day of March 2023, by John Edward Mercer, as President, and Carol Stevens, as Secretary of Francis Carlton Condominium Association, Inc., a Florida corporation, on behalf of the corporation, ☐ who are personally known to me or ☒ have produced FL DL as identification.



Ricardo Terrazas
State of Florida
My Commission Expires 10/02/2024
Commission No. HH 22177


Notary Public, State of Florida