

**RESOLUTION**  
**ESTABLISHMENT OF FINE COMMITTEE**

Boardwalk at Cape San Blas Homeowners Association, Inc.

The Board of Directors of the Boardwalk at Cape San Blas Homeowners Association, Inc., a Florida not-for-profit corporation (the “Association”), held a duly noticed meeting on <<date>>, 2024, at which a quorum of the Board of Directors was present, and at which the following resolution was adopted:

**WHEREAS**, the Association is obligated to enforce its Declaration of Covenants and Restrictions, By-Laws, Rules and Regulations, and amendments thereto;

**WHEREAS**, the Board deems it advisable and in the best interests of the Association to implement fining procedures pursuant to *Florida Statute* § 720.305, as amended from time to time, to enforce compliance with the Association’s Declaration of Covenants and Restrictions, By-Laws, Rules and Regulations, and amendments thereto, by the Association’s members, occupant(s), licensee(s), or invitee(s);

**WHEREAS**, the Board deems it advisable and in the best interest of the Association to establish a standing Fine Committee;

**NOW, THEREFORE, it is**

**RESOLVED**, that the Association will fine Association members, occupant(s), licensee(s), or invitee(s) as appropriate to enforce compliance to the extent allowed by the Florida Homeowners’ Association Act (Chapter 720, *Florida Statutes*), as amended from time to time, and the Association’s governing documents.

**BE IT FURTHER RESOLVED**, that the Association will establish a standing Fine Committee consisting of <<name, name, name>> as its initial members.

**BE IT FURTHER RESOLVED**, that the Fine Committee may schedule meetings as frequently as the Association deems necessary to carry out the Fine Committee’s duty pursuant to the Florida Homeowners’ Association Act.

**BE IT FURTHER RESOLVED**, the Association, through a majority vote of its Board of Directors, may reconstitute the members of the Fine Committee.

**BE IT FURTHER RESOLVED**, the Association, through this resolution, hereby establishes the Fining and Enforcement Policy attached hereto as “Exhibit A.”

\_\_\_\_\_  
By:  
Boardwalk at Cape San Blas Homeowners Association, Inc.

Exhibit "A"

**FINING AND ENFORCEMENT POLICY for  
BOARDWALK AT CAPE SAN BLAS HOMEOWNERS ASSOCIATION, INC.**

Pursuant to the Association's Governing Documents and the Homeowners Association Act, the Board of Directors (the "Board") for the Boardwalk at Cape San Blas Homeowners Association, Inc., (the "Association") has determined it to be in the best interests of the Association to adopt a fining and enforcement policy to provide clarity and notice as to how enforcement of applicable restrictions and rules will be carried out within the Boardwalk at Cape San Blas community. The Association may implement other specific enforcement procedures as are deemed fit and in the best interests of the Association from time to time, provided such procedures comply with the Association's governing documents, Chapter 720, Florida Statutes, and amended from time to time, and any other applicable Florida law.

- A. Compliance through Education. The Board will endeavor to first seek compliance with any applicable rules or restrictions rather than immediate enforcement and issuance of fines or suspensions, which compliance may be obtained through notice of all applicable restrictions and/or publication of guidelines or rules documents to ensure all members are aware of and understand applicable restrictions and conditions.
- B. Authority to Issue Notice. The Board, or another person so designed by the Board, is authorized to issue, or cause to be issued, a Notice of Violation ("Notice") to the owner/occupant of any Lot or their tenants, guests or invitees, or both, for the alleged violation of the By-Laws, the Declaration, and/or any Rules, Regulations or Guidelines duly adopted by the Association (collectively "Documents").
- C. Notice. The Notice shall be served by personal delivery, email (if the owner has opted to receive electronic notices via this method), or by certified mail. Attempts to deliver notice will occur first in the manner that satisfies any legal requirements and second in any other reasonable means that actually gets notice to the owner. The Notice shall include:
  - (1) An accurate description of the Lot involved.
  - (2) The name or names of the person(s) or entity(s) or their tenants, guests, or invitees in violation upon whom the Notice is served for the violation.
  - (3) A statement providing a detailed description of the alleged violation.
  - (4) A specific citation to the provisions and document upon which the Notice is based.
  - (5) A specific means and time in which the alleged violation can be cured, if applicable.
  - (6) A statement advising that the failure to correct the matter as set forth in the Notice may result in a fine, penalty, forfeiture or deposit, legal action.
  - (7) The amount of such fine, penalty, and/or suspension if the offending condition or situation is not corrected.
  - (8) The Fine Committee hearing date, location, and access information if the hearing by telephone or other electronic means.

- D. Fining Committee. The Board shall appoint a Fine Committee in accordance with the requirements set forth in section 720.305, *Florida Statutes*. The Fine Committee may not consist of any officer, director, or employee of the Association, or the spouse, parent, child, brother, or sister of any officer, director, or employee. The Fine Committee shall attempt to hold meetings at regularly scheduled monthly meetings at a time of its choosing. In the case of a violation that continues from day to day, the original notice and opportunity for a hearing shall apply to any continuing violation(s); i.e., there shall only be a single notice with one opportunity for hearing of a continuing violation.
- E. Fine Committee Hearings. The hearing before the Fine Committee shall be conducted in the manner deemed appropriate by the Fine Committee. However, both the Association and the alleged violating owner shall be allowed to speak, submit evidence, and generally be provided due process to prove their cases. Any affected person may appear in person, by counsel, or by agent possessing a power of attorney (provided the agency instrument is provided to the Association for review by its legal counsel at least forty-eight (48) hours prior to the hearing) but may not appear through any other person. At the hearing, the Association shall have the burden of proof and persuasion to validate the Notice, alleged violation, and the proposed fine, forfeiture, and/or suspension. The Fine Committee must vote on whether the alleged occurred, whether the proposed fine, forfeiture, and/or suspension is merited, and should be imposed.
- F. Fine Committee Authority. The Fine Committee can only vote to approve or reject the fine as proposed in the Notice. The Fine Committee may not modify the fine. The decision to approve or reject the fine shall be announced at the hearing to the affected person, shall be reflected in the minutes of the Fine Committee, and a written notice of same shall be provided to the violator within seven (7) days of the hearing. In the event the Fine Committee does not approve the proposed fine, forfeiture, and/or suspension by majority vote, the fine, forfeiture, and/or suspension shall not be levied. If approved by the Fine Committee, the Association shall impose the fine, and the fine shall be due no sooner than the thirtieth (30<sup>th</sup>) day following the decision of the Fine Committee, if being sent by mail, or the day after, if being hand-delivered.
- G. Fine Amounts. Any person violating any of the Documents may be fined up to one hundred dollars (\$100) for the first violation, and for each day thereafter of a continuing violation. A single notice and opportunity to be heard on one specific type of violation shall not result in a fine in the aggregate exceeding one-thousand dollars (\$1,000.00).
- H. Extension of Time to Correct. In the event that it appears the affected person cannot, through no fault of his/her own, be able to rectify the violation within the time period specified, the violating owner may file a written request with the Fine Committee, stating the reasons they have been unable to correct the violation. If reasonable grounds evidencing the delays are shown, the Fine Committee is authorized to issue an Amended Notice authorizing an extension of time not to exceed an additional thirty (30) days within which to complete the correction of the violation. The Board, in exceptional cases and upon written request provided within the thirty (30) day period, may further extend the time within which to correct the

violation; however, in no event shall the correction date extend beyond a maximum period of one hundred eighty (180) days from the date of the original notice.

- I. Liens. A fine of \$1,000 in the aggregate shall become a lien against the appropriate Lot as provided for under Chapter 720, *Florida Statutes*.
- J. Attorney's Fees. In any action in which the violation is contested, the prevailing party shall be entitled to recover reasonable attorney's fees and costs incurred.