

Homeowners Association of
Woodland Waters, Inc.

10246 Woodland Waters Boulevard • Weeki Wachee, Florida 34613

Homeowners Association of Woodland Waters, Inc.

**A RESOLUTION OF THE BOARD OF DIRECTORS
ADOPTING A POLICY FOR FINING AND SUSPENSIONS
Resolution Number 11142024F**

WHEREAS, the amendment to the Woodland Waters HOA declarations dated July 10th, 2008, "Certificate of the Amendment to Article VII of the Bylaws of the Homeowners Association of Woodland Waters" permits fining and/or suspension to common areas.

WHEREAS, Section 720.305, *Florida Statutes*, permits fining for violations of the Declaration, Bylaws or Rules and Regulations of the Association; and

WHEREAS, the Board of Directors of the Homeowners Association of Woodland Waters, Inc. ("the Association") has adopted a policy regarding the fining procedure which it will utilize in connection with pending or future violations, and the policies set forth below supersede all prior fining and suspension procedures and policies of the Association;

NOW, THEREFORE, be it resolved by the Board of Directors as following:

1. This resolution replaces and supersedes all prior versions of policies and procedures relating to fining and suspension of use rights by the Association.
2. The Board of Directors of the Association, and/or its appointed agents, are charged with determining whether there is probable cause that any of the provisions of the governing documents relating to the use of the property that is operated and managed by the Association have been violated.
3. The Board of Directors has appointed a Fining Review Committee and may remove and appoint other members of such committee from time to time, which committee shall consist of at least three (3) members of the Association, and such alternate members as the Board determines, who are qualified to serve on such committee under the Florida Statutes, as amended from time to time. Such Committee shall be charged with conducting the hearings and rendering the decision with regard to the levy of fines, and suspension of use rights as herein provided.
4. Fining Review Committee members cannot be a Board Director or spouse or family member of Board Directors. The committee must be named and approved at an open meeting of the Board of Directors.
5. In the event the Association receives a complaint, or violation is otherwise determined to have occurred by the Board or Management, the Board of Directors ("the Board") or its agents will notify the alleged violator(s), and in appropriate cases, will provide an opportunity for such violation to be corrected within a reasonable time.

6. If the violation has not been corrected or in the case of a second violation, or if a violation is of such a serious nature that the Board determines it does not warrant an opportunity for the violator to correct it, the Board or its designated agent(s), if proper authority and guidelines have been provided by the Board, may adopt a proposed fine, or suspension of use rights, up to the maximum amount allowed by law. A fine may be imposed based upon each day that a continuing violation continues. The fine or suspension will not become final until a hearing as been held by the Fining Review Committee ("the Committee"), and the Committee has determined that the fines and/or suspensions proposed by the Association are to be upheld, in whole or in part. The Board may adopt a schedule of proposed fines, and/or suspensions of use rights, for common types of violations from time to time, and this schedule will not be recorded, but will be available to owners as part of the official records of the Association.
7. Following the adoption of a proposed fine or suspension by the Board or its authorized agents, the parcel owner shall be notified by regular and certified mail, and by email if an email address has been provided, that a hearing will be held by the Committee at a time and date specified in the notice, and the alleged violator may appear before the Committee if they wish to contest the fine or suspension. A written notice must also be provided, if applicable, to any tenant, occupant, licensee, or invitee of the parcel owner who is sought to be fined or to have use rights suspended. The notice shall contain a date, time and location for the hearing, owners and other alleged violator(s) shall also include a short and plain statement of the violations asserted by the Association, as well as a statement the provisions of the governing documents that have allegedly been violated. The notice must also specify the manner in which any continuing violation of the governing documents may be corrected prior to the hearing.
8. The Committee shall hold a hearing on the date set forth in the notice, unless the parcel owner or alleged violator has requested a continuance to another date in which case the hearing will be rescheduled on a one-time basis except exceptional circumstances justifying a further rescheduling. The hearing may be held either in person or by telephone or other electronic means. The Association will provide the alleged violator(s) with at least fourteen (14) days written notice of the date, time and place of the hearing, or the means to participate in a hearing that is to be held electronically. In cases involving alleged violations by tenants or their guests, or other licensees or invitees of the parcel owner or any tenants, the parcel owner may be held jointly and severally responsible for any fines and/or suspensions for the violations. The hearing must be held within ninety (90) days of the notice of hearing.
9. The Committee shall appoint a Chairman, unless one has been appointed by the Board, and shall conduct hearing in accordance with the following rules, in addition to such other reasonable rules and procedures which may be established by the Committee, to hear any charges and defenses. The hearing may be audio or video-recorded in the same manner and under the same rules that parcel owners are permitted to audio or video-record Board of Directors.
 - a. A representative of the Association shall be heard first, in order to summarize the basis for the proposed fine and/or suspension, and to present any witnesses or documents in support of the proposed fine and/or suspension. Written statement shall be permitted to received in evidence, and the hearing need not be conducted according to technical rules relating to evidence and witnesses. A party or witness may be allowed to appear by telephone conference. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely on in the conduct of their affairs, regardless of

the existence of any common law or statutory rule that might make improper the admission of such evidence over objection in civil actions. The rules and privileges relating to court proceedings shall only be effective to the extent that they are required by the law to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.

- b. Each party shall have these rights: to be represented by counsel; to call and examine witnesses; to introduce exhibits; to cross examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him.
 - c. Neither the accusing person nor the alleged violator must be in attendance at the hearing. The hearing shall be open to attendance by all home owners. In rendering a decision, official notice may be taken at any time of any generally accepted matter within the Declaration, the Articles, the Bylaws, the Rules and Regulations, or the workings of the Association.
 - d. The Committee shall render a decision on the matter and will prepare a written summary of the decision that is to be provided to the Association and alleged violator(s). If the alleged violator(s) have cured any continuing violation prior to the Committee hearing, the fine may not be confirmed by the Committee. Such written findings must be sent by mail, email (if the owner has properly consented to receive notices by email), or hand-delivery to the violator(s) within seven (7) days from the date of the hearing, along with the date the fine must be paid or the suspension fulfilled and must include instructions for paying the fine, curing any continuing violation, and fulfilling the suspension, if applicable.
10. If the decision of the Committee, by majority vote, is to uphold the fine or suspension in whole or in part, any suspension will begin on such date as approved by the Committee, which must be at least 30 days from the date that the notice of the Committee's decision has been provided to the violator, and any suspension is to be for a period of time not to exceed the time proposed by the Board. Any fine is due 30 days after written notice of the approved fine is provided by mail or email to the parcel owner and, if applicable, to any tenant, occupant, licensee, or invitee of the parcel owner, unless a later date is specified in the notice. However, if the alleged violator(s) have cured any continuing violation prior to the Committee hearing, in the manner requested in the notice of hearing sent by the Association, or if such violator(s) cure any continuing violation in the manner outlined in the notice from the Committee following the hearing, prior to the 30-day deadline, any fine or suspension arising out of such violation will not be enforceable by the Association. This provision for curing a violation after the hearing does not apply to a violation which is not continuing in nature as of the date of the hearing (e.g. parking, nuisance, or other violations which occurred on certain earlier dates), and all fines and/or suspensions arising out of such violations must be honored in the manner set forth in the notice from the Committee.
11. Subsequent to the hearing, with the exception for continuing violations that have been corrected in the manner outlined above, the Board of Directors may take any enforcement action it considers appropriate in regard to any fine that is due and is not paid within the time specified in the notice of the Committee's decision upholding a fine, or any suspension of use rights that is not honored by the persons whose rights have been suspended. The ability to fine for violations of the governing documents in addition to all other rights and remedies held by the Association. The Association's

Board may decide to take enforcement action against the violator instead of, or in addition to, pursuing fines against the violator.

12. Any violator(s) will be responsible for interest, costs and attorneys' fees incurred in the enforcement of the fine or suspension of use rights, if they fail to pay any fines within the time frame provided in the notice from the Committee, or if any person(s), who is the subject of a suspension of use rights fails to honor any suspension.
13. No suspension of rights to the Association property may apply to the property needed to provide vehicular or pedestrian access to the lot of those involved, including but not limited to the right to park in locations designated for parking. Utility services which serve the unit may also not be suspended.
14. As provided for in Section 720.305 of the Florida Statutes, if a member of the Association is more than 90 days delinquent in paying any fee, fine, or other monetary obligation due to the Association, the Association may suspend the rights of the member, or the member's tenant, guest, or invitee, to use common areas and facilities, and automated (non-staffed) vehicle entrance access until the fee, fine or other monetary obligation is paid in full. This section of the statute does not apply to that portion of common areas used to provide access or utility services to the parcel. A suspension may not prohibit an owner or tenant of a parcel from having vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park. The notice and hearing requirements set forth above do not apply to a suspension imposed under this statutory subsection. All suspensions of use rights under this statutory subsection must be approved at a properly noticed Board meeting, and upon approval, the Board must notify the parcel owner, and if applicable any other persons whose rights have been suspended, by mail, email, or hand-delivery.

IN WITNESS WHEREOF, the Board of Directors has adopted this Resolution on this 14th day
of November, 2024.

Homeowners Association of Woodland Waters, Inc.

By: 
Ed Butler, President

ADDENDUM

Homeowners Association of Woodland Waters, Inc.

A RESOLUTION OF THE BOARD OF DIRECTORS ADOPTING A POLICY FOR FINING AND SUSPENSIONS Resolution Number 11142024A

Woodland Waters Fine Policy

Note: A fine may be levied by the Board of Directors for each day of a continuing violation, with a single notice and opportunity for a hearing. The fine may not exceed \$100 dollars, each day with a maximum of \$1000 dollars per violation in total.

1. A Warning Notice with 5 to 30 days' notice for rectifying the violation. This Warning Notice is optional, at the discretion of the Board of Directors Fining Committee
2. A Violation Notice with 10 to 30 days' notice for rectifying the violation. Time frame is based on discretion of the Board of Directors Fining Committee.
3. If a violator does not rectify the violation, the Board of Directors holds a duly noticed meeting and votes to levy a fine or not to fine the violator. Motion must include the amount of fine.
4. If a member of the Fining/Appeals Committee is present at the meeting, the applicable documents are turned over to them in preparation of them holding an appeals hearing.
5. If no member of the Fining/Appeals committee is present, the applicable documents are sent to that committee via email or hand delivered. This should be ASAP.
6. The Fining/Appeals Committee has 90 days to hold a hearing. A violator must get at least 14 days written notice. Starts at time of delivery.
7. Decision by Fining/Appeals Committee must be delivered to Board of Directors and violator within 7 days. Decision should be signed and must include summary of Committee's decision.
8. Board of Directors is now responsible for informing violator that the Fining/Appeals committee has upheld the fine levied by the Board of Directors. Include amount of payment, date that payment is due, payment instructions, and if applicable, how to fix the violation.
9. Fine is due 30 days after the violator receives written decision from the Board of Directors.

IN WITNESS WHEREOF, the Board of Directors has adopted this Resolution on this 14th day
of November, 2024.

Homeowners Association of Woodland Waters, Inc.

By: 
Ed Butler, President