

*Resolution of the
Highland Meadows Estates Association, Inc.
Resolution # 2020-6*

**POLICY & PROCEDURE FOR THE LEVY AND COLLECTION
OF FINES FOR NON-COMPLIANCE**

WHEREAS, the Highland Meadows Estates Association, Inc. (“Association”) (“HMEE”), by and through its Board of Directors and consistent with its rule making authority set forth in its Declaration of Covenants, Conditions and Restrictions (“Declaration”) and consistent with conditions set forth in that Declaration **Article VII- Section 6. Fines**, as well as the 2019 Florida State Statutes, Chapter 720.305, the Board of Directors does hereby set forth and adopt the following policy and procedure for the assessment and collection of fines and further remedies for violation(s) of the Association’s Governing Documents, to include all duly adopted rules, regulations and restrictions (hereafter referred to as “Governing Documents”).

In the event that a member, tenant, guest or invitee occupying a parcel/lot/property or using a common area violates a provision of the Association’s Governing Documents, the Association shall have the right to levy reasonable fines, in an amount not to exceed \$100.00 per day. Such fine shall be levied for each day of a continuing violation, up to an aggregate amount of \$1,000, at which time a lien against the parcel may be filed.

As provided by Florida law, the Association will attempt to recover both the fine and reasonable attorney fees in any subsequent legal action.

Fines shall be levied/imposed utilizing the following procedure:

1. The Association shall provide notice to the offending party(s) (owner, occupant, lessee, invitee) detailing the specific violation; the action(s) necessary to redress the violation; the amount of the fine to be imposed; the date that such fine will commence; whether that fine is a one- time fine or a per day fine for each day of continuing violation; the maximum amount of the fine assuming continuing violation; the right of the Association to file a lien against the parcel/property should the aggregate fine reach \$1,000; and, the

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offending party's right to a hearing.

2. This notice shall be in writing and hand-delivered or mailed in a fashion where receipt by the offending party can be reasonably confirmed and shall be accomplished at least 14 days prior to the commencement of the fine.
3. Should the offending party desire a hearing, he/she must advise the Association that he/she is invoking that right within the 14-day period following notice. However, should the hearing committee confirm the fine assessed by the Association, the date of the commencement of that fine shall remain as stated in the notice.
4. In the event a hearing is desired by the offending party, the Board of Directors shall appoint a Hearing Committee of three or five members who are neither officers, directors or employees of the Association nor, the spouse, parent, child, brother or sister of an officer, director or employee.
5. The role of the Hearing Committee is strictly limited to determining whether to confirm or reject the fine levied by the Board. As such, the Hearing Committee may not alter in any manner, the amount, date, remedy, etc. set forth in the notice. Unless the Association's Governing Documents establish provisions for "hardships" related to the specific violation cited, "hardship" claims offered by the offending party may not be considered.
6. If the proposed fine is confirmed by the Hearing Committee, the fine payment is due 5 days after the date of the committee meeting at which the fine is approved. If the Hearing Committee by majority vote does not approve a proposed fine, it shall not be imposed.
7. Hearing Committees shall be ad hoc in nature and shall be appointed as needed to address a specific fine and subsequent hearing request.

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In the event that the Association seeks to impose a temporary suspension of the use of common facilities by member/owner, or his/ her tenant, guest or invitee it shall do so in compliance with Florida Statute 720.305 -Section 2 (a) and (b).

In the event that the Association seeks to suspend the voting rights of a member for non-payment of a fine, fee or other monetary obligation, it shall do so in compliance with Florida Statute 720.305-Sections 3 through 6.

SO RESOLVED AND SET FORTH HEREIN.

CERTIFICATE

The undersigned here by certify: (1) they are the President and Secretary of the Association, (2) the foregoing is a true and correct copy of the resolution duly adopted at a properly noticed and held meeting of its Board of Directors on November 19, 2020, (3) the passage of this resolution was in all respects legal, and (4) this resolution is in full force and effect.

Highland Meadows Estates Association, Inc.

By: _____

Jean St-Cyr, President

Mary Ann Munro, Secretary

END

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EXHIBITS - RESOLUTION 2020-
6
LEVY & COLLECTION OF FINES FOR NON-COMPLIANCE

NOTICE OF FINE FOR NON-COMPLIANCE

This notice is to advise you that you are in violation of a provision of the Association's Governing Documents and that the Board of Directors is levying a fine for non-compliance.

Offending Party: _____

Address of Offending Party:

Specific Violation: _____

Action(s) Necessary to Remedy the Non-Compliance:

Prior Notice of Violation (if any) :

Date of this Notice: _____

Date Fine Will Commence:

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Amount of Fine : _____ One Time: _____ or Per Day until
remedied: _____

Maximum Amount of Fine: \$1,000.00, at which time a lien may be filed on
the parcel/property.

Right to Hearing: you have the right to a hearing before a Committee of
Members, constituted in accordance Resolution 2020-6, with the limited
authority described therein (see attached). To exercise this right, please
contact the Association in writing by mail or email
(administration@hmee.org). A Committee will be appointed, and a hearing
scheduled as soon as practical. You will be advised of the date/time of the
hearing in the same manner you requested same (mail or email). All
hearings will be held at the HMEE Business Office, 109 NW 53rd Court,
Deerfield Beach, FL 33064.

Questions: should you have questions regarding this matter, they must be
forwarded to the Association in writing, by mail or email. Responses will
ne provided using that same method of communication.

Notice Issued for the Association By:

Print Director/Officer Name

Signature of Director/Officer

END

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REPORT OF HEARING COMMITTEE

Name of Offending Party: _____

Notice of Violation / Fine Provided to All Committee Members:

_____ _____
Yes No

Hearing Date: _____ Time: _____

Location: HMEE Business Office, 109 NW 53rd Court, Deerfield Beach, FL 33064

Documents Provided by the Offending Party: see attached (if any)

Additional Documents Provided by the Association : see attached (if any)

Appearing for the Offending Party:

Appearing for the Association : _____

Finding:

After reviewing relevant documents and statements related to this matter,
the Committee by *majority vote*:

_____ confirms the fine

_____ rejects the fine

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This decision is being provided to both the Association and the Offending Party this _____ day of _____, 202__.

Printed Name Committee Member

Signature Committee Member

Printed Name Committee Member

Signature Committee Member

Printed Name Committee Member

Signature Committee Member

Printed Name Committee Member

Signature Committee Member

Printed Name Committee Member

Signature Committee Member

END