



Bay Pines Homeowners Association (HOA)
Board of Directors
Administrative & Policy Resolutions
for the Fines Committee

WHEREAS, Article XIII of the Bylaws gives the Board of Directors the authority to appoint other committees as deemed appropriate to carry out its purposes; and

WHEREAS, Article III, Section 1 of the CC&Rs provides the Association, or any Owner, the right to enforce by any proceeding by law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by provisions of this Declaration; and

WHEREAS, Article VII of the CC&Rs provides additional restrictions and guidelines which it is anticipated will be observed and adhered to in substantially all situations; and

WHEREAS, Florida Statute, Chapter 720.305(2) conveys the following:

- The association may levy reasonable fines; and
- A fine may not exceed \$100 per violation against any member or any member's tenant, guest, or invitee for the failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association unless otherwise provided in the governing documents; and
- A fine may be levied by the board for each day of a continuing violation, with a single notice and opportunity for hearing, except that the fine may not exceed \$1,000 in the aggregate unless otherwise provided in the governing documents; and
- A fine of less than \$1,000 may not become a lien against a parcel; and
- In any action to recover a fine, the prevailing party is entitled to reasonable attorney fees and costs from the non-prevailing party as determined by the court; and

WHEREAS, Florida Statute, Chapter 720.305(2)(b) conveys the following:

- A fine or suspension may not be imposed by the board of administration without at least 14 days' notice to the person sought to be fined or suspended and an opportunity for a hearing before a committee of at least three members appointed by the board who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee; and
- If the committee, by majority vote, does not approve a proposed fine or suspension, it may not be imposed; and
- The role of the committee is limited to determining whether to confirm or reject the fine or suspension levied by the board; and
- If the board of administration imposes a fine or suspension, the association must provide written notice of such fine or suspension by mail or hand delivery to the parcel owner and, if applicable, to any tenant, licensee, or invitee of the parcel owner.

NOW, THEREFORE BE IT RESOLVED that the Fines Committee shall consist of three (3) members appointed by the Board who shall serve until their resignation therefrom; shall determine whether to confirm or to reject the fine or suspension, by majority vote, levied by the board; shall inform the Board of Directors as to the committee's decision; shall provide monthly or periodic reporting to the Secretary, Bay Pines HOA, which will be documented within the minutes of the Board of Directors Meetings; and for the 2017/2018 term, the members of the Fines Committee shall be Chrissy Venable, Paul Zagortz and, Lia Brown, effective **14 June 2017**, as adopted by the Board effective 13 June 2017.

By: Ralph D. Linton
Ralph D. Linton, Secretary, Bay Pines HOA

Date: 13 June 2017
