

**RESOLUTION OF THE BOARD OF DIRECTORS
TO ESTABLISH A VIOLATION, FINING AND HEARING COMMITTEE TO ASSIST IN
THE MANAGEMENT AND GOVERNING OF THE ASSOCIATION**

Revised 6/01/2024

Whereas Florida Statutes Chapter 720 Section 720.305 establishes the levy of fines and suspension of use rights, and more specifically establishes that a board may levy a fine or the suspension of use of common areas and facilities for a violation of the declaration, association bylaws, or reasonable rules of the association, and a fine may not exceed \$100 per violation against any member or member's tenant, guest, or invitee, and a fine may be levied for each day of a continuing violation, and that the fine may not exceed \$1,000 in the aggregate unless otherwise provided in the governing documents, and that a fine less than \$1,000 may not become a lien against a parcel, and that the governing documents may permit a greater aggregate fine in a homeowner's association, and that a suspension may only be for a reasonable period of time and does not apply to that portion of common areas used to provide access or utility services to the parcel or vehicular or pedestrian ingress to and egress from the parcel, and that a fine or suspension may not be levied unless the board first provides at least 14 days' notice to the parcel owner at his or her designated mailing or e-mail address in the association's official records and hearing before a committee of at least three (3) 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 that the violation must include a description of the alleged violation, the specific action required to cure such violation, and the date and location of the hearing, and that the committee may by majority vote not approve a proposed fine or suspension, and that the role of the committee is limited to determining whether to confirm or reject the levied fine or suspension, and that after the hearing the committee shall provide written notice to the parcel owner at his or her designated mailing or e-mail address in the association's official records of the committee's findings related to the violation, including any applicable fines or suspensions that the committee approved or rejected, and how the violation may be cured, and that if the fine or suspension is approved, the fine payment is due five (5) days after notice of the approved fine, and that the association must provide written notice of such fine or suspension by mail or hand delivery to the parcel owner, and

Whereas the Board of Directors of the Key West Golf Club Homeowners Association, Inc., (henceforth referred to as the "Board of Directors") established the Violation Hearing Committee and its duties and responsibilities by Resolution dated July 14, 2009, and

Whereas the Board of Directors revised the requirements for committee membership of the Violation Hearing Committee by Resolution dated July 18, 2012, and

Whereas the Board of Directors previously discussed the adoption of an updated resolution dated May 20, 2019, concerning violation hearing committee membership, violation notices and right to be heard, and fines, and

Whereas the Board of Directors approved as recently as February 05, 2024, to not continue the former Violation Hearing Committee, and

Whereas the Board of Directors approved on May 20, 2024, to reestablish by resolution the Violation Hearing Committee as described by approved resolutions and as required by law, with the amended committee name known as **VIOLATION, FINING AND HEARING COMMITTEE**, and

NOWHEREFORE the Board of Directors of the Key West Golf Club Homeowners Association, Inc., does hereby resolve to establish a fining system and reestablish the former Violation Hearing Committee as described by resolutions and as required by law to be henceforth known by the name **VIOLATION, FINING AND HEARING COMMITTEE**

This resolution is designed to enforce and allow for an opportunity to be heard, by members of the Association, in respect to alleged violation of the Association’s governing documents.

VIOLATION, FINING AND HEARING COMMITTEE

The Board of Directors shall annually appoint three (3) committee members and one (1) alternate committee member to serve on the Violation, Fining, and Hearing Committee, who are not officers, directors or employees of the Association or the spouse or partner, parent, child, brother or sister of an officer, director or employee of the Association. Spouses or partners of homeowners or other individuals residing in the same household may not serve on the Committee simultaneously and all members of the Committee must be members of the Association. The Board may appoint an ad hoc member to the Committee who would act as a resource to the Committee on maintenance issues, problems, alternative materials, etc.

The Committee may designate management personnel to inspect the units and properties located in Key West Golf Club Home Owners Association community (henceforth referred to as “community”) to determine if a violation of the Association’s governing documents exists and to cite the homeowner for such violation.

The Committee shall meet when there is business before the Committee.

The Committee shall further be charged with an annual review of the rules and regulations of the community and shall submit their recommendation to the Board of Directors prior to the Annual Meeting.

VIOLATION NOTICES AND RIGHT TO BE HEARD

A Violation Notice and opportunity to be heard before the Violation, Fining and Hearing Committee shall be issued to the violator in writing via the designated mail or e-mail address as recorded in the Association’s official records. The Violation Notice shall levy a Fine not to exceed \$100 per violation and which may include a daily fine for a continuing violation or shall levy a Suspension of the use of common areas and facilities for a reasonable period of time. The violator will be given 14 days to correct the violation. If additional time is needed to correct the violation, the violator must contact the HOA Office and request additional time prior to the expiration of the

14 days. If additional time is granted to correct the violation, it must be in writing from the HOA Office.

The violation shall be re-inspected at the end of the 14-day timeframe. If the violation has not been corrected or if the owner shall notify the HOA Office within 14 days from the date of the Notice of Violation that they disagree with the alleged violation, the matter shall be referred to the Violation, Fining, and Hearing Committee which will convene a hearing as stated in the Violation Notice. The owner, or owner's agent, may attend the hearing to present evidence as to why the alleged violation should be dismissed.

The Committee shall be copied with the violator's response, if any, and notified if the hearing will be held.

The Committee shall hear the basis for the violation and the alleged violator's explanation. The Committee shall hear any persons who are in favor or against a fine. Comments shall be limited to five (5) minutes per speaker.

FINES

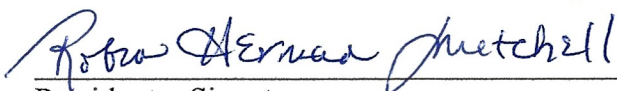
Monetary fines shall not exceed \$100 per violation and may be levied against the owner or any tenant, guest or invitee. A fine may be levied on the basis of each day of a continuing violation, with a single notice and opportunity for hearing, except that no fine shall exceed \$1,000 in the aggregate, unless as provided in the Association's governing documents. A suspension of use of common areas and facilities and excludes portions of commons areas used for access or ingress and egress and may only be for a reasonable period of time.

The Violation, Fining and Hearing Committee is limited to determining whether to confirm or reject the levied fine or suspension.

Following the hearing, the Violation, Fining and Hearing Committee shall issue its determination in writing to the owner at their designated mailing or e-mail address as recorded in the Association's official records. The determination shall include the committee's findings related to the violation, any applicable fees or suspensions that the committee approved or rejected, and how the parcel owner may cure the violation, if applicable. A determination of a fine or suspension does not require that the violation have remained uncured.

Fine payments are due five (5) days after notice of the approved fine. Written notice of the fine or suspension shall be mailed or hand delivered to the owner.

BE IT RESOLVED ON THIS 1st DAY OF June, 2024.



President – Signature



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