WOODMERE LAKES HOMEOWNER'S ASSOCIATION, INC.

A RESOLUTION OF THE BOARD OF DIRECTORS OF WOODMERE LAKES HOMEOWNER'S ASSOCIATION, INC. REGARDING STANDARD FORMS AND PROCEDURES FOR ENFORCEMENT, FINES AND SUSPENSIONS

WHEREAS, Woodmere Lakes Homeowner's Association, Inc. (the "Association") is a homeowner's association, as defined by Section 720.301(9), Florida Statutes, and the entity authorized to operate and maintain Woodmere Lakes, a Subdivision in accordance with the Declaration of Restrictions for Homesites at Woodmere Lakes, as recorded in the Official Records Instrument #2014062150 of the Public Records of Sarasota County, Florida on May 28, 2014, as amended from time to time (the "Declaration"); the Bylaws of Woodmere Lakes Homeowner's Association, Inc., as amended from time to time (the "Bylaws"); the Articles of Incorporation of Woodmere Lakes Homeowner's Association, Inc. as amended from time to time (the "Articles"); and Chapter 720, Florida Statutes;

WHEREAS, Article 3.15.6 and 3.14.9 of the Bylaws and Article 3.5 of the Articles authorizes the Board of Directors ("Board") of the Association to adopt, promulgate, and enforce rules, regulations, bylaws, covenants, restrictions, and agreements in order to effectuate the purposes for which the Association is organized (the "Rules and Regulations");

WHEREAS, pursuant to Section 720.305, Florida Statutes, the Association may, by and through the Board, and in addition to all other available remedies, impose a suspension and/or levy fines against any 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 Bylaws, or Rules and Regulations;

WHEREAS, Section 720.305(2)(b), Florida Statutes, requires 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, before a fine may be imposed; and

WHEREAS, the Board desires to adopt standard procedures and form fining letters for the Association, its Board, and its committee, to follow and use in exercising their various powers and carrying out their respective duties.

NOW, THEREFORE, upon motion duly made, seconded and approved at a duly noticed and held meeting of the Board, **BE IT HEREBY RESOLVED**:

I. FINING AND SUSPENSION OF USE RIGHTS PROCEDURE

1. Violations of (a) the Declaration; (b) the Bylaws; or (c) the Rules and Regulations, may be observed by Members of the Association, Members of the Board of Directors, or agents of the Association. Violations may be reported to any member of the Board of Directors and/or to the Association's designated management company or CAM.

2. In the event a violation is reported by a Member of the Association, and the Member reporting the violation has left contact information, the Association will confirm receipt of the report and advise such Member that the Association will investigate. Thereafter, the Association will make reasonable efforts to investigate within five (5) business days of receipt of a report of a violation to confirm the violation exists and/or took place.

3. In the event a violation is initially observed by the Association or a reported violation is confirmed by the Association, a description of the violation shall be memorialized in writing identifying the nature of the violation, the date observed, the time observed, and the identity of the person making the observation. If possible, the violation should be further documented through witness testimony, or photographic or video evidence.

4. Within five (5) business days of initially observing or confirming a violation, the Association shall issue the offending owner, tenant, guest, or invitee a courtesy notice by certified mail, return receipt requested, regular mail, or electronic mail, if the person has consented in writing to receiving notice by electronic mail. The courtesy notice shall remind the person that [specific section of specific document] prohibits [nature of violation]; that [violation] was observed on [date].

5. If a violation continues after the issuance of the courtesy notice, and the violation is further documented through witness testimony, or photographic or video evidence after the issuance of the courtesy violation, the Board of Directors may place the violation on the agenda for the next regularly scheduled meeting of the Board of Directors to allow the Board of Directors to consider levying a fine or suspending use rights. A description of the violation, dates of observation, and evidence in support, as well as a copy of the courtesy notice, shall be furnished to the Directors in advance of such meeting.

6. The Board incorporates by herein by reference Section 720.305(2), Florida Statutes, which provides the procedure to impose a suspension and/or levy a fine, and such procedure is restated as follows:

> (a) An association may levy reasonable fines for violations of the declaration, association bylaws, or reasonable rules of the association. 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. 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. A fine of less than $1,000 may not become a lien against a parcel. In any action to recover a fine, the prevailing party is entitled to reasonable attorney fees and costs from then non prevailing party as determined by the court.
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> (b) An association may suspend, for a reasonable period of time, the right of a member, or a member's tenant, guest, or invitee, to use common areas and facilities 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. This paragraph 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.

(c) A fine or suspension levied by the board of administration may not be imposed unless the board first provides at least 14 days' written notice of the parcel owner's right to a hearing to the parcel owner at his or her designated mailing or e-mail address in the association's official records and, if applicable, to any occupant, licensee, or invitee of the parcel owner, sought to be fined or suspended. Such hearing must be held within 90 days after issuance of the notice 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. The committee may hold the hearing by telephone or other electronic means. The notice must include a description of the alleged violation; the specific action required to cure such violation, if applicable; and the hearing date, location, and access information if held by telephone or other electronic means. A parcel owner has the right to attend a hearing by telephone or other electronic means.

(d) If the committee, by majority vote, does not approve a proposed fine or suspension, the proposed fine or suspension may not be imposed. The role of the committee is limited to determining whether to confirm or reject the fine or suspension levied by the board.

(e) Within 7 days 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 and, if applicable, any occupant, licensee, or invitee of the parcel owner, of the committee's findings related to the violation, including any applicable fines or suspensions that the committee approved or rejected, and how the parcel owner or any occupant, licensee, or invitee of the parcel owner may cure the violation, if applicable, or fulfill a suspension, or the date by which a fine must be paid.

(f) If a violation has been cured before the hearing or in the manner specified in the written notice required in paragraph (b) or paragraph (d), a fine or suspension may not be imposed.

(g) If a violation is not cured and the proposed fine or suspension levied by the board is approved by the committee by a majority vote, the committee must set a date by which the fine must be paid, which date must be at least 30 days after delivery of the written notice required in paragraph (e). Attorney fees and costs may not be awarded against the parcel owner based on actions taken by the board before the date set for the fine to be paid.

(h) If a violation and the proposed fine or suspension levied by the board is approved by the committee and the violation is not cured or the fine is not paid per the written notice required in paragraph (e), reasonable attorney fees and costs may be awarded to the association. Attorney fees and costs may not begin to accrue until after the date noticed for payment under paragraph (e) and the time for an appeal has expired.

7. A fine may not exceed $100.00 per violation or $1,000.00 in the aggregate.

II. FINING COMMITTEE PROCEDURE

1. **Appointment of Fining Committee**. Pursuant to Section 720.305(2)(b), Florida Statutes, and Article 5 of the Bylaws, the Board has previously appointed a committee as required by Section 720.305(2), Florida Statutes, (the "Committee"). The members of the Committee shall serve until their removal by the Board or their written resignation. The three current members of the Committee are:

(1) _____,
(2) _____,
(3) _____.

2. **Commencement of Committee Process.** After the Board has met and levied the fine and/or suspension, the Association will send a written notice via regular mail to the affected owner and, if applicable, the occupant, licensee, or invitee sought to be fined or suspended. The Association's written notice will comply with the requirements of Section 720.305(2), Florida Statutes, and the Declaration and Bylaws. In the event of a conflict between Section 720.305(2), Florida Statutes, and the Declaration or Bylaws, Section 720.305(2), Florida Statutes, shall control. The Association will also send each member of the Committee a copy of the notice. The written notice may be sent to the members of the Committee by any means, including e-mail.

3. **Notice of Hearing Before the Committee.** The Association will provide the owner and/or person sought to be fined or suspended (if different), if any, at least 14 days' notice of the date, time and location of the hearing before the Committee. The Association is not required to provide notice of the hearing to the membership or to post such notice on the subdivision property.

4. **Inspection of Location.** If applicable, a member of the Committee may, but shall not be required to, inspect the location of the alleged violation(s). Members of the Committee will avoid discussing with other members of the Committee the specific violation(s) at issue prior to the hearing.

5. **Quorum and Chairperson.** At least two (2) of the three (3) Committee members must be present at the hearing to constitute a quorum. After establishing a quorum, the members of the Committee shall appoint a chairperson for that hearing. If a quorum is not obtained, the hearing may be continued to another date, time and location and the Association shall send a new 14-day notice to the affected owner and, if applicable, the occupant, licensee, or invitee sought to be fined or suspended.

6. **Hearing.**

A. **Association Presentation.** The Committee chairperson will first request the Association's designated representative to present the Association's position as to the alleged violation(s). The Association's designated representative will be guided by the contents of the Association's letter sent pursuant to Paragraph 2. The Association representative will provide a short, plain statement of the factual matters asserted by the Association to constitute the violation(s), including but not limited to the specific violation(s) alleged, and the date, time and location of each alleged violation for which a fine was imposed

by the Board. The Association's designated representative may present testimony, photographs, documents and other evidence of the alleged violation. The formal rules of court shall not apply to the hearing.

B. **Owner Presentation.** The affected Owner and, if applicable, the occupant, licensee, or invitee sought to be fined or suspended will then be provided a reasonable opportunity to respond to the alleged violation(s), present rebuttal facts and evidence and provide written and verbal argument on all pertinent issues, as well as review, challenge and respond to any evidence, documents or material considered by the Committee. The Association and the owner and, if applicable, the occupant, licensee, or invitee sought to be fined may be represented by an attorney at the hearing.

C. **Association Rebuttal.** Upon request of the Association's designated representative, the Association may present rebuttal testimony, documents, and evidence.

D. **Hearing Committee Questions.** The members of the Committee may ask any witnesses questions and shall examine any relevant documents, photographs and other evidence presented. The Committee members shall determine the veracity of witnesses and weight to be provided to the documents and evidence presented.

E. **Burden and Standard of Proof.** The Association shall have the burden of proof. To satisfy its burden of proof, the Association's designated representative must show by a "preponderance of the evidence" that the alleged violation(s) occurred. A "preponderance of the evidence" is the greater weight of the evidence, or evidence that more likely than not tends to prove the violation(s) occurred.

7. **Committee Decision**. A majority of the Committee shall decide any procedural issues and whether to admit any document, evidence or testimony. The Committee will consider all relevant and admissible testimony, evidence, photographs and documents presented at the hearing prior to making its decision. The role of the Committee is solely limited to determining whether to approve or reject the fine or suspension levied by the Board. The Committee may elect to deliberate and vote in private. If the Committee, by a majority vote (that is, at least two of the three members) does not approve the fine and/or suspension, the fine or suspension may not be imposed. The Committee chairperson will announce the decision of the Committee. The chairperson shall also be responsible for promptly sending written notice of the Committee's decision to the Board. The Committee's decision is final and binding on all involved.

8. **Demand for Payment**. If a proposed fine levied by the Board is approved by the Committee, payment is due thirty (30) days after notice of the approved fine is provided to the owner and, if applicable, to any occupant, licensee, or invitee fined. The Association must provide written notice of any fine and/or suspension by mail or hand delivery to the affected owner and, if applicable, to any tenant, licensee, or invitee.

9. **Inapplicability of these Procedures.** These procedures shall not apply to the imposition of fines, suspension of voting rights, suspension of use of common area and recreational facilities, or fees due to the failure or refusal of the owner to pay assessments, fees, fines or other monetary obligations due to the Association. Notwithstanding any provision to the contrary contained in the Declaration, Bylaws or Rules and Regulations, fines will not be levied and suspensions will not be imposed for leaving garbage receptacles at the curb or end of the driveway within 24 hours before or after the designated garbage

collection day or time, nor leaving holiday decorations or lights on a structure or other improvement on a parcel longer than indicated in the Declaration, Bylaws or Rules and Regulations, if at all, unless such decorations or lights are left up for longer than 1 week after the Association provides written notice of the violation to the owner.

III. STANDARD FORMS

1. The standard form which shall be used for the Association's 14-day written notice, in accordance with the requirements of Section 720.305(2), Florida Statutes, is attached hereto as Exhibit "A" and incorporated herein by reference.

2. The standard form which shall be used for the Association's 30-day written notice of demand for payment, in accordance with the requirements of Section 720.305(2), Florida Statutes, is attached hereto as Exhibit "B" and incorporated herein by reference.

Adopted this _____ day of _____, 2025, by the Board of Directors of Woodmere Lakes Homeowner's Association, Inc., at a duly noticed and held meeting of the Board of Directors of Woodmere Lakes Homeowner's Association, Inc.

Woodmere Lakes Homeowner's Association, Inc.

(Corporate Seal)

By: _____, as President

Attest:_____, as Secretary

EXHIBIT "A"

[Association's Letterhead]

(Insert Date)

NOTICE OF FINE HEARING

(Insert Owner's Name)
(Insert Address Line 1)
(Insert Address Line 2)

Via Hand delivery, Certified Mail-Return Receipt Requested and First Class Mail

Re: FOURTEEN (14) DAY NOTICE OF FINE HEARING FOR VIOLATION

Dear **(Insert Owner's Name)**:

Please be advised that on **(Insert Date)** the Board of Directors of Woodmere Lakes Homeowner's Association, Inc. ("Association"), recommended a fine be imposed against you in the amount of _____ Dollars ($_____) for violating the Declaration of Restrictions for Homesites at Woodmere Lakes, or the Bylaws of Woodmere Lakes Homeowner's Association, Inc., or the Articles of Woodmere Lakes Homeowner's Association, Inc., or the Rules and Regulations of the Association.

Section ___ of the **[insert Governing Document]** provides as follows:

(Insert provision of the Governing Document that is being violated in its entirety here)

Notwithstanding the clear terms of the aforementioned section of the **[Governing Document]**, you have again been **(Describe violation)**. So that you are aware, eyewitnesses have confirmed that **(Describe violation)**.

A Committee will be meeting on (Insert Date Fining Committee will meet. It must be 14 days post the date of this letter), at (Time) AM/PM (Insert address where committee meeting will take place), for a hearing in order to determine whether to approve or reject the Board's recommended fine of (Insert Written Amount of fine) ($ (Insert Numerical Amount of fine).00) Dollars.

At that hearing, you have the right to respond to the violation(s), provide written and verbal argument on all issues involved, provide evidence that you have complied with the governing documents, provide evidence that the violation(s) no longer exists, and have ample opportunity to review, challenge and respond to any material considered by the Committee.

If the Committee determines to approve the Board's recommended fine, the fine will be payable within 30 days of your receipt of the Association's Notice of Decision. If you do not timely pay any fine confirmed by the Committee, or if you continue to violate the provision cited above, the Association may then file a formal enforcement suit against you to collect the fine and/or compel your compliance. Pursuant to Florida law, the Association has the right to seek recovery of its attorney's fees and costs from you as the prevailing party.

Very truly yours,

Woodmere Lakes Homeowner's Association, Inc.

_____

EXHIBIT "B"

[Association's Letterhead]

(Insert Date)

NOTICE OF DECISION

(Insert Owner Name(s))
(Insert Address Line 1)
(Insert Address Line 2)

Via First-Class Mail

Dear **(Insert Owner's Name)**:

The Committee of Woodmere Lakes Homeowner's Association, Inc., met and held a hearing on _____ at _____ AM/PM at **[insert location]**, and discussed the fines that were recommended to be levied against you by the Board of Directors. The Committee approved the fines with respect to your violations of **[insert provisions of Governing Documents violated]**.

Within thirty (30) days after your receipt of this Notice, payment of the fines in the total amount of **(Insert Written Amount of fine) ($ (Insert Numerical Amount of fine).00)** are due. Within thirty (30) days after your receipt of this Notice, you must correct the violations by **[describe actions to take]**.

Absent timely compliance, the Association will pursue its legal remedies, including bringing a lawsuit, to collect the fines and compel you to correct the violations.

Very truly yours,

Woodmere Lakes Homeowner's Association, Inc.

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