

**Waterside at Coquina Key South Condominium Association, Inc.**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
ADOPTING AN AMENDED POLICY FOR FINING AND SUSPENSIONS**

WHEREAS, Section 718.303, *Florida Statutes*, permits fining and suspensions for violations of the Declaration, Bylaws or Rules and Regulations of the Association; and

WHEREAS, the Board of Directors of the Waterside at Coquina Key South Condominium Association, Inc. (“the Association”) previously adopted a Resolution establishing a fining policy, and now wishes to adopt an amended policy regarding the fining and suspension 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. The Board of Directors or its appointed agents are charged with determining whether there is probable cause that any of the provisions of the Declaration, the Bylaws, or the Rules and Regulations of the Association have been violated.
2. The Board of Directors shall appoint a Fining Review Committee which shall consist of three (3) owners, and any alternate members the Board may designate, who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. Such Committee shall be charged with conducting the hearing and rendering the decision with regard to the levy of fines or suspensions as herein provided.
3. In the event that a Complaint is received by the Association, or a violation is otherwise determined to have occurred, the Board of Directors (“the Board”) or its agents will notify the alleged violator(s) except for the situations outlined in paragraph 4 below, and for repeat violations which will not require a notice prior to the adoption of a proposed fine, the Association will generally provide an opportunity for such violation to be corrected within a reasonable time.
4. For the violations set forth below, there will be no first notice sent to the owners following a violation, and a notice of a proposed fine of \$100.00 per violation, and \$100.00 for each day of a continuing violation, will be sent to the violator, along with information relating to a hearing before the Fining Review Committee. The Board specifically authorizes its agent to levy the fine upon documenting the following violations and immediately refer these matters to the Fining Review Committee for a final determination. In the case of a rented unit, both the unit owners and the tenants may be fined. These “no tolerance” violations include:

- a. Leaving unapproved items in trash and recycling, including but not limited to oversized items, construction debris, furniture, and boxes that are not broken down as required for recycling;
  - b. Parking violations, including parking vehicles with expired tags, illegally parked vehicles, vehicles parked by backing into the parking space, and other violations of the rules and restrictions relating to parking; or
  - c. Anyone entering the pool area with a glass container for food or beverage.
4. If the violator is given a chance to correct the violation, and it has not been corrected following notice from the Association and a request for correction of the violation, or in the case of a repeat violation, or a violation of a serious nature that the Board determines does not warrant an opportunity for the violator to correct it, or the “no tolerance” violations listed above, the Board, or its designated agent(s) if proper authority and guidelines have been provided by the Board, may adopt a proposed fine, up to the maximum amount allowed by law, or a proposed suspension of use rights to the extent permitted by law. A fine may be imposed based upon each day that a violation occurs or continues. The fine will not become final until a hearing has been held. The Board may adopt a schedule of fines for certain types of violations and this schedule will be provided to the owners. It is the duty of the unit owners to notify their tenants of the fining procedures, and the unit owners will remain responsible
5. Following the adoption of a proposed fine or suspension of use rights, the alleged violator shall be notified by regular and certified mail, and a copy of this policy shall be provided, along with a notice that provides a date and time of the scheduled hearing before the Fining Review Committee. The notice to the alleged violator shall also include a short and plain statement of the violations and proposed penalties asserted by the Association, as well as a statement of the provisions of the Declaration, Bylaws, or Rules which have allegedly been violated
6. The Committee shall hold a hearing after giving the owner fourteen (14) days written notice of the date, time and place of the hearing. The Fining Review Committee may overrule or uphold the fine or suspension following the hearing.
7. The Fining Review Committee shall appoint a Chairman and shall conduct hearings in accordance with the following rules, in addition to such other rules and procedures as may be established by the Committee, to hear any charges and defenses.
  - (a) A representative of the Association shall be heard first, in order to summarize the basis for the proposed fine or suspension, and to present any witnesses or documents in support of the proposed fine or suspension. Written affidavits shall be permitted, and the hearing need not be conducted according to technical rules relating to evidence and witnesses. A party or witness may also be allowed to appear by telephone conference, provided that the cost involved is paid by the party offering such evidence. Any relevant

evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which 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 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 or another designated representative; 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.

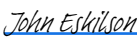
(c) Neither the accusing person nor the alleged violator must be in attendance at the hearing. The hearing may be open to attendance by other owners, if required by law or at the discretion of the Board and/or the Committee. In rendering a decision, official notice may be taken at any time of any generally accepted matter within the Declaration, the Articles, the By-Laws, the Rules and Regulations or the workings of the Association.

(d) The Committee shall render a decision on the matter during the hearing and will prepare a brief written summary of the decision which is to be provided to the Board and the alleged violator and, if applicable, the tenant, licensee, or invitee, by mail or hand delivery. If the decision of the Committee, by majority vote, is to uphold the fine, the fine payment is due 5 days after notice of the approved fine is provided to the unit owner by mail or hand delivery, and if applicable, any tenant, licensee or invitee of the unit owner. If the decision of the Committee, by majority vote, is to uphold the suspension, the suspension shall be effective immediately.

8. Subsequent to the hearing, any further enforcement action will be taken by the Board of Directors.
9. Any violator(s) will be responsible for interest, costs and attorneys' fees incurred in the enforcement of the fine or suspension, including costs and attorney's fees in connection with any correspondence or hearings, provided that the Committee upholds the fine or suspension, in whole or in part, and the person who is the subject of the fine fails to pay on the date the fine becomes due or fails to follow the terms of the suspension.

IN WITNESS WHEREOF, the Board of Directors has adopted this Resolution at its Board meeting on this 19<sup>th</sup> day of January, 2023.

Waterside at Coquina Key South Condominium Association, Inc.

By:   
John Eskilson (Jan 20, 2023 11:06 EST)  
\_\_\_\_\_  
John Eskilson, President

# Waterside - Amended Fining Policy 011923

Final Audit Report

2023-01-20

Created:	2023-01-20
By:	Rhonda Blakeman (watersidemgr@greenacreproperties.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAACx60A_aqhzrbVn813oaQoeNSRQCWSZC4

## "Waterside - Amended Fining Policy 011923" History

 Document created by Rhonda Blakeman (watersidemgr@greenacreproperties.com)

2023-01-20 - 4:01:42 PM GMT

 Document emailed to jeskilson.coquinakey@gmail.com for signature

2023-01-20 - 4:02:02 PM GMT

 Email viewed by jeskilson.coquinakey@gmail.com

2023-01-20 - 4:05:48 PM GMT

 Signer jeskilson.coquinakey@gmail.com entered name at signing as John Eskilson

2023-01-20 - 4:06:19 PM GMT

 Document e-signed by John Eskilson (jeskilson.coquinakey@gmail.com)

Signature Date: 2023-01-20 - 4:06:21 PM GMT - Time Source: server

 Agreement completed.

2023-01-20 - 4:06:21 PM GMT