

AUGUSTA H.O.A., INC.'S
RESOLUTION ADOPTING IMPLEMENTATION OF FINING PROCEDURES

WHEREAS, Augusta H.O.A., Inc.'s (the "Association") Governing Documents authorize the Association to adopt resolutions from time to time that are consistent with the rights and duties established by the Amended and Restated Declaration of Covenants and Restrictions, recorded in Official Records Book 12970 at Page 0157, et. seq., of the Public Records of Hillsborough County, Florida (hereinafter collectively referred to as the "Declaration"); and

WHEREAS, Article IV, Section 28 of the Declaration provides the Association with authority to enforce the provisions of the Declaration and Rules and Regulations; and

WHEREAS, the Association was developed with the intent that its members abide by its Governing Documents, referenced herein; and

WHEREAS, Section 720.305, *Florida Statutes*, states, in part, that: "[a]n 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 the nonprevailing party as determined by the court."

NOW, THEREFORE, BE IT:

RESOLVED, that the Board of Directors adopt the following Fining Procedures which conform with Section 720.305, *Florida Statutes*, as amended from time to time:

FINING PROCEDURES

(A) The Board of Directors (hereinafter "Board") shall appoint a Covenants, Conditions and Restrictions Enforcement Committee¹ (hereinafter "Committee") or appoint its manager or agent, which shall be charged with determining whether there is probable cause to assert that an owner, or other persons, is violating, or has violated, any of the provisions of the Declaration, the Articles of Incorporation, the By-Laws, or the Rules and Regulations of the Association, regarding the use of the lots, common areas, or Association property. In the event that it is determined such probable cause exists, it shall report same to the Board of Directors and an initial notice of violation shall be issued.

(B) Thereafter, if the violation has not been resolved, the Board of Directors shall hold a duly noticed meeting to levy a suspension or fine of \$100 per day per violation, that shall not

¹ The committee shall consist 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.

exceed \$1,000. However, said fine or suspension may not be imposed without at least 14 days' notice to the person sought to be fined or suspended and an opportunity for a hearing before the Committee as described below:

NOTICE PROVISIONS:

The Board or it's agent shall provide written notice to the person alleged to be in violation, and the owner of the lot which that person occupies that the Board has levied a fine of One Hundred (\$100.00) Dollars for each offense provided, and include **1)** a description of the alleged violation, **2)** the portion of the Declaration or Rules and Regulation that has been violated, and **3)** the specific action required to cure such violation, if applicable. If the violation is cured prior to the hearing, a fine or suspension may not be imposed.

Additionally, the notice shall advise those in violation of an opportunity for a hearing before the Restrictions Enforcement Committee, no sooner than fourteen (14) days but no more than ninety (90) days, of the date of the notice of the violation or violations. The notice shall state the date, time, and place of the hearing, which may be held in person, by telephone, or other electronic means.

At the hearing, the Committee may consider the severity of a particular violation in determining the amount of a fine. The notice shall further specify, and it is hereby provided that the alleged violator may respond in writing to the notice, within fourteen (14) days of its date, acknowledging that the violation or violations occurred as alleged, and promising that the violation or violations will henceforth cease and will not recur. Such acknowledgment and promise, and performance in accordance therewith shall terminate further enforcement activity by the Association with regard to the violation and no fines shall be levied.

(C) The Committee shall determine whether there is sufficient evidence of a violation or violations as provided herein. If the committee, by majority vote, does not approve a proposed fine or suspension, the Board's 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.

If the Committee determines that there is sufficient evidence to support a finding that a violation or violations occurred, within seven (7) days after the hearing, the Committee shall provide written notice to the parcel owner at his or her designated mailing 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 the date by which a fine must be paid, no sooner than thirty (30) days from the date of the notice. The notice may also provide the owner or any occupant, licensee, or invitee an additional opportunity to cure the violation, if applicable, or fulfill a suspension.

A fine pursuant to this section shall be assessed against the lot which has deemed to be in violation. Nothing herein shall be construed as a prohibition of or a limitation on the right of the Board of Directors to pursue other means to enforce the provisions of the Association.

IN WITNESS WHEREOF, the Board of Directors of AUGUSTA H.O.A, INC. at a duly noticed meeting of the Board of Directors at which a quorum was present, held on the 2ND day of APRIL, 2025, in the manner required by the Association's governing documents, has adopted the foregoing Resolution upon motion made by LARRY FRANKS and seconded by NICHOLAS CHACHULA and passing with a vote of 3 in favor and 0 opposed; therefore, a majority of the Directors approved the Resolution, which is to be made a part of the minutes of the meeting of the Board of Directors held on the 2 day of APRIL, 2025.



Print Name: Larry Franks
Title: President



Print Name: JEFFREY C. LARSON
Title: Secretary