

**ROTONDA WEST ASSOCIATION, INC.**

**RESOLUTION REGARDING FINING/SUSPENSION PROCEDURES**

**DATE OF BOARD MEETING/ADOPTION:** September 11, 2025

WHEREAS, Rotonda West Association, Inc. ("Association") is the corporation charged with the operation, maintenance, and management of Rotonda West pursuant to the Governing Documents, as defined in the Amended Restatement of Restrictions for Rotonda West ("Restrictions"), as amended from time to time, recorded on November 10, 2020, at Official Records Book 4659, Page 1394, *et seq.*, in the public records of Charlotte County, Florida; and

WHEREAS, the day-to-day affairs of the Association are administered by the Board of Directors of the Association ("Board"); and

WHEREAS, Section 720.305(2), Florida Statutes, provides that the Association may levy and impose reasonable fines and may suspend use of the Common Areas for a reasonable time for the failure of an Owner of a Lot or his/her occupants, licensees, or invitees to comply with any provision of the declaration, bylaws, or reasonable rules of the Association; and

WHEREAS, Section 720.305(2), Florida Statutes, provides that a fine may be levied against any member or any member's tenant, guest or invitee. The fine may not exceed \$100 per violation, unless otherwise provided in the governing documents, except that a fine may be levied for each day of a continuing violation, with a single notice and opportunity for a hearing and the total amount may not exceed the amount provided in the governing documents; and

WHEREAS, Section 720.305(2), Florida Statutes, provides that the association may suspend the right of a member, or a member's tenant, guest, or invitee, to use the 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, however, the suspension of use rights to the Common Areas does not apply to the portion of Common Areas used to provide access to utility services to the parcel and 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; and

WHEREAS, Section 35(a) of the Restrictions authorizes the Association to levy fines against a Lot/Tract Owner, or the Lot/Tract Owner's tenants, guests, or invitees, or both, who commit violations of Chapter 720, Florida Statutes, and/or the provisions of the Governing Documents, as they may be amended from time to time. Fines shall be in the amounts deemed necessary by the Board to deter future violations, but in no event shall any fine for a single violation exceed the maximum amount allowed by law. A fine may be levied on the basis of each day of a continuing violation, with a single notice and opportunity for a hearing, except that no such fine shall exceed \$5000 in the aggregate. Any fine of one thousand dollars (\$1000) or greater not paid within thirty (30) days shall become a lien on the Lot/Tract of the Lot/Tract Owner who owes the fine. Said lien may be foreclosed in the same manner as a lien for assessments as provided in the Restrictions. The fine shall also be a personal obligation of the person fined; and

WHEREAS, Section 35(b) of the Restrictions provides that the Association may suspend, for a reasonable period of time, the right of a Lot/Tract Owner, or the Lot/Tract Owner's tenants, guests, or invitees, or both, to use the Common Areas for failure of the Lot/Tract Owner, or the Lot/Tract Owner's occupant, licensee, or invitee to comply with Chapter 720, Florida Statutes and/or the provisions of the Governing Documents, as they may be amended from time to time; and

WHEREAS, the Board of Directors previously adopted a Fining Policy and Fine Structure on November 18, 2015; and

WHEREAS, Chapter 720.305(2) was amended effective July 1, 2018, July 1, 2021, October 1, 2023, and July 1, 2024, to address fining/suspension and hearing procedures; and

WHEREAS, the Board of Directors wishes to revise its fining and suspension of use rights procedures and fining structure.

NOW THEREFORE, it is hereby resolved as follows:

1. The above recitations are true and correct and are hereby incorporated into this Resolution.
2. The Compliance Committee shall consist of not less than three (3) Members. The Compliance Committee members shall serve at the pleasure of the Board of Directors. The Compliance Committee members may be removed or replaced on motion of the Board, documented in the minutes, without need for further resolution of the Board. The Compliance Committee members must be Owners in Rotonda West but may not be Board members, officers or employees of the Association, or the spouse, parent, child, brother or sister of an officer, director or employee. The Board shall have the power to fill vacancies in the Compliance Committee and, at any time, remove any member of the Compliance Committee with or without cause.
3. The Manager may confer with the President and/or legal counsel but is delegated the authority, in appropriate situations, to initially address violations of the Governing Documents through the issuance of a "Notice of Violation(s)". It shall generally be the policy of the Association to adhere to the "Fining Structure" adopted by the Board of Directors, attached hereto as Exhibit A. It shall generally be the policy of the Association that where the alleged violation is sufficiently serious, as determined by the Manager or the President, fining/suspension procedure may be initiated without a prior Notice of Violation/opportunity to cure.
4. Assuming that the Notice of Violation does not result in the resolution of an alleged violation to the satisfaction of the Manager, or in cases where no Notice of Violation is issued, the Manager, on behalf of the Board, shall be empowered with the authority to initiate the fining and/or suspension process by placing on the agenda for a regular or specially scheduled meeting of the Board of Directors the consideration of levying a fine and/or suspension of use rights. The Association's use of the fining and/or suspension process for violations of the Governing Documents does not preclude the Association from enforcing the violations through

other available remedies, including, but not limited to, by referring the matter to the Association's legal counsel.

5. If at the meeting of the Board of Directors, a majority of the Board votes to levy a fine, the Board shall determine the amount of the fine in accordance with the Fining Structure, and in the case of a continuing violation, shall state the per day fine and number of days. If the person being fined has violated more than one provision of the Governing Documents, each violation may be a separate fine. The Board shall use its discretion in determining whether there is one violation or multiple violations.

The following is an example of the form of the motion for a continuing violation:

- I make a motion that Lot/Address be fined \$\_\_\_\_\_ per day starting on \_\_\_\_\_ (insert start date as determined by Board) for a total of \_\_\_\_\_ days, for a total fine of \$\_\_\_\_\_, for the following violation: \_\_\_\_\_ (describe violation and Governing Documents provision that is violated).

The following is an example of the form of the motion for a non-continuing violation:

- I make a motion that Lot/Address \_\_\_\_\_ be fined \$\_\_\_\_\_ for the following violation: \_\_\_\_\_ (describe violation and Governing Documents provision that is violated).

If at the meeting of the Board of Directors, a majority of the Board votes to suspend the right to use the Common Areas, the Board shall specify the Common Areas for which the use rights are suspended and the number of days of the suspension. The following is an example of the form of the motion for a suspension of the right to use the Common Areas:

- I make a motion that \_\_\_\_\_ (insert name of person or persons suspended) be suspended from the right to use \_\_\_\_\_ (insert the Common Areas being suspended) for a period of \_\_\_\_\_ (insert the length of the suspension).

6. The person(s) against whom the fine and/or suspension is levied shall be delivered written notice of the Board's action levying the fine and/or suspension, including the amount of the fine levied by the Board (and in the case of a continuing violation, shall state the per day fine and number of days) and/or the Common Areas suspended and the number of days of the suspension and shall be notified of the hearing before the Compliance Committee where the fine and/or suspension shall be considered by the Compliance Committee for confirmation or rejection of the fine and/or suspension. The Manager shall provide at least fourteen (14) days written notice of the hearing by mail to the Owner at his or her designated mailing address in the Association's official records and, if applicable, to any occupant, licensee, or invitee of the Owner, sought to be fined or suspended, with an optional additional copy by email. The written notice of hearing may be emailed, in lieu of mail, to those Owners who have consented to receiving notices via email. The notice described in this paragraph 6 is hereinafter referred to as the "Notice of Hearing." The hearing must be held within 90 days after issuance of the Notice of Hearing. The Notice of Hearing must include:

- a. a description of the alleged violation;
- b. the specific action required to cure such violation, if applicable;
- c. the hearing date, location, and access information if held by telephone or other electronic means.

7. If the fine and/or suspension is confirmed by the Compliance Committee, the fine and/or suspension may be deemed imposed by the Association without further action of the Board of Directors.

8. The Compliance Committee shall be empowered with the authority to conduct fining/suspension hearings. The hearing may be held by telephone or other electronic means. A majority of Compliance Committee Members is required for a quorum of the Compliance Committee. Actions of the Compliance Committee shall be by vote of a majority of the Compliance Committee Members present. At said hearings, the Compliance Committee shall be empowered with the authority to **either confirm or reject** the fine and/or suspension levied by the Board. The Owner and, if applicable, the party against whom the fine and/or suspension is sought to be imposed (if different from the Owner), shall have an opportunity to respond, to present evidence, and to provide written and oral argument on all issues involved and shall have an opportunity at the hearing to review, challenge, and respond to any material considered by the Association. A parcel owner has the right to attend the hearing by telephone or other electronic means.

9. If the Owner and, if applicable, the party against whom the fine and/or suspension is sought to be imposed (if different from the Owner) intends to have legal counsel represent them at the meeting, they shall notify the Association at least forty-eight (48) hours before the hearing. If such notice is not provided, the attorney shall not be authorized to attend the meeting unless otherwise determined by the Chair of the Compliance Committee.

10. If the fine and/or suspension is confirmed by the Compliance Committee, then within 7 days after the hearing, the Manager shall provide written notice by mail to the Owner at his or her designated mailing address in the Association's official records and, if applicable, any occupant, licensee, or invitee of the Owner, with an optional additional copy by email. The notice may be emailed, in lieu of mail, to those Owners who have consented to receiving notices via email. The notice shall state the Compliance Committee's findings, if the fine and/or suspension was approved or rejected, the amount of the fine, if applicable, the length of the suspension, if applicable, and how the violator may cure the violation, if applicable, or fulfill a suspension, or the date by which a fine must be paid, which must be at least 30 days after delivery of the written notice. If the notice is sent by mail, the notice is deemed delivered 5 days after the date of mailing. If the notice is sent by email, the notice is deemed delivered on the day after the email is sent. The notice described in this paragraph 10 is hereinafter referred to as "Notice of Imposition".

- a. If the violation has been cured before the hearing or in the manner specified in the Notice of Hearing, if applicable, or Notice of Imposition, if applicable, a fine or suspension may not be imposed.

- b. If the violation is not cured, and the proposed fine or suspension is confirmed by the Compliance Committee by a majority vote, the Committee must set the date by which the fine must be paid, which date must be at least 30 days after delivery of the written notice required by paragraph 10. Attorneys 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.

11. If a violation and the proposed fine or suspension levied by the board is approved by the Compliance Committee and the violation is not cured or the fine is not paid per the written notice required in paragraph 10, 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 10 has expired. Pursuant to Section 720.305(7), Florida Statutes (2025), the Association may not levy a fine or impose a suspension for any of the following violations:

- a. Leaving garbage receptacles at the curb or end of the driveway within 24 hours before or after the designated garbage collection day or time.
- b. Leaving holiday decorations or lights on a structure or other improvement on a parcel longer than indicated in the Governing Documents, unless such decorations or lights are left up for longer than 1 week after the Association provides written notice of the violation to the parcel owner.

12. The Board may delegate such other powers and duties to the Manager or to such other person as may be necessary or appropriate under the circumstances. The Board may adopt additional policies and procedures for the Manager or such other persons to follow, or to be utilized in connection with the fining/suspension process, as amended from time to time.

13. A suspension pursuant to this provision shall apply to the use rights in all of the Common Areas and facilities, except that such suspension shall not apply to that portion of Common Areas used to provide access or utility services to the parcel and 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. Suspension shall specifically (but without limitation) prohibit the use of the clubhouse, pool, and tennis court, and any other recreational area specified by the Board. Such suspension shall be for a reasonable time, as determined by the Board in its levy of the suspension, subject to confirmation by the Compliance Committee.

14. General compliance with this Resolution shall be sufficient, it being intended to be used as a guideline to ensure fairness in the fining/suspension process. It is the intention of these Rules and its exhibits that persons sought to be fined and/or suspended are given a reasonable notice to be heard before the imposition of a fine and/or suspension of use rights. The Manager, in consultation with the Board and/or President, where appropriate, has the authority to disregard the provisions of these Rules in circumstances where the alleged behavior of a person constitutes a violation of criminal law, or poses a threat to the health, peace, safety, or welfare of the residents of Rotonda West, or in other circumstances where the Association believes such

disregard is justified. Compliance with this Resolution and the imposition of fines or suspensions shall not be deemed a prerequisite to the initiation of legal proceedings or other remedies to enforce the Governing Documents.

This Resolution is adopted by 4 (unanimously, majority, etc.) of the Board members.

ROTONDA WEST ASSOCIATION, INC.

Date:

9-11-25

BY: 

PRINT NAME: ANDREW LAW SKY,  
President

(CORPORATE SEAL)