

**RESOLUTION ESTABLISHING COMPLIANCE COMMITTEE  
AND  
CREATING FINING/SUSPENSION PROCEDURES**

**HERON LANDING HOMEOWNERS' ASSOCIATION, INC.**

**WHEREAS**, the Heron Landing Homeowners Association, Inc. ("Association") is the corporation charged with the operation, maintenance, and management of the Heron Landing Homeowners Association ("the Community") in accordance with its Declaration of Covenants, Conditions and Restrictions, Articles of Incorporation, Bylaws and Rules and Regulations (collectively referred to as the "Governing Documents"); and

**WHEREAS**, Section 720.305(2), Florida Statutes (2023) authorizes the Association to levy fines and suspensions against owners, tenants, and guests who violate the provisions of the Association's Governing Documents; and

**WHEREAS**, the Association must follow the process described in Section 720.305(2), Florida Statutes, to levy fines and suspensions, which includes creating a Compliance Committee.

**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 ("Committee") shall consist of no less than three (3) owners 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 members shall serve at the pleasure of the Board. The Committee members may be removed or replaced on motion of the Board, with or without cause, and documented in the Board's meeting minutes. The Board has the power to fill vacancies in the Committee and has the power to dissolve the Committee.
3. The Board shall initially address violations through the issuance of a "Notice of Violation," generally in the form attached to this Resolution as **Exhibit "1"**.
4. If the Notice of Violation does not result in compliance, the Board is authorized to initiate the fining and/or suspension process by holding a special or regular Board meeting to consider levying a specific fine and/or suspension. The Board may, in its discretion, adopt a schedule of fines for certain violations but no fine may exceed the limits imposed in the statute or Governing Documents, whichever is higher.
5. If at such meeting a majority of the Board votes to levy a fine and/or suspension, the Board shall send written notice of such action to the person(s) against whom the fine and/or suspension is levied. The notice must disclose the date, time, and location of a hearing before the Committee and must be delivered at least 14 days prior to the hearing. During the Committee

hearing the Committee will consider testimony and evidence from the Association and the person(s) sought to be fined/suspended to determine whether the Committee will confirm or reject the Board's decision to levy a fine and/or suspension. The written notice shall be in a form generally equivalent to the "Notice of Hearing" attached hereto as **Exhibit "2,"** and shall be sent by certified mail, return receipt requested, with an optional additional copy by regular mail. If a majority of the Committee approves the fine and/or suspension, the fine and/or suspension shall be deemed imposed without further action of the Board.


6. If the Committee approves the fine/suspension, the Board shall deliver a "Notice of Imposition of Fine and/or Suspension" in a form generally equivalent to **Exhibit "3"** attached hereto by mail or hand delivery.

7. A suspension imposed pursuant to this provision shall apply to the use rights in all 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 from vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park. Suspensions shall be for a reasonable time, as determined by the Board.

8. The Board has the authority to disregard the provisions of this Resolution in circumstances where a person's alleged behavior poses a threat to the health, peace, safety, or welfare of the Community residents.

During its meeting on April 17, 2023, the Board voted to adopt this Resolution. 3 Board members voted in favor of this Resolution and 0 Board members voted against this Resolution. The vote of each Director is reflected in the meeting minutes.

**HERON LANDING HOMEOWNERS' ASSOCIATION,  
INC.**

BY:   
\_\_\_\_\_ Adam Rouse, President

Date: April 17, 2023

(CORPORATE SEAL)

**EXHIBIT 1 - NOTICE OF VIOLATION**

**NOTICE OF VIOLATION**

\_\_\_\_\_ [Date Sent]

**FIRST CLASS MAIL**

TO: [Owner Address of Record, Name All Record Owners per Deed, if Owner Occupied Lot] or  
[Tenant/Non-Owner Occupant at Lot's Address, if Non-Owner-Occupied Lot]

Dear \_\_\_\_\_

The Board of Directors has information to believe that you **[or your tenant(s), guest(s), or invitee(s) as the case may be]** are in violation of the Association's Governing Documents. Specifically, **[Insert violation(s) here including citation to Governing Documents and as much detail as possible as to date(s), time(s) and place(s) of alleged violation(s).]**

Please be advised that you must cure the above-described violation(s) by **[fill in demanded relief here]**. You must comply on or before **[insert number of days or date]**. If you fail or refuse to comply, or if further violations occur, the Association may, with proper notice, pursue further action against you to enforce the Governing Documents. Such action may include (but is not limited to): imposing a fine against you and/or suspending your right to use certain Common Areas and facilities. Further, the Association may also file a lawsuit against you to compel your compliance with the Governing Documents. If the Association takes any of the foregoing legal actions, it will seek to recover its attorneys' fees and costs as permitted by the Governing Documents and the Florida Homeowners' Association Act, Chapter 720 of the Florida Statutes.

**[Include this paragraph only if the Lot is occupied by a tenant or other person in the absence of the Owner]** This Notice is also being provided to the record Owner(s) of the Lot. Pursuant to Florida law and the Governing Documents, the Owner is jointly and severally liable for the conduct of his or her tenants, and the occupants of the Lot, as well as their guests, licensees, or invitees. Accordingly, if the violation is not corrected, this letter serves as notice that the Association may also take the above-referenced actions against the Owner(s), either directly, or jointly and severally.

Very truly yours,

[President or Manager] On behalf of the Board of Directors

**EXHIBIT 2 – NOTICE OF HEARING**

**NOTICE OF HEARING**

\_\_\_\_\_ **[Date Sent – Recommended to be sent at least 20 days before hearing]**

**CERTIFIED MAIL # [Fill in Tracking Number from Green Card Here]**

TO: [Owner Address of Record, Name All Record Owners per Deed, if Owner Occupied Lot] or  
[Tenant/Non-Owner Occupant at Lot’s Address, if Non-Owner-Occupied Lot]

Dear \_\_\_\_\_

The violation described in the Association’s Notice of Violation dated \_\_\_\_\_, 20\_\_\_\_, **copy attached**, has not been corrected and/or has resumed. Accordingly, during its meeting on \_\_\_\_\_, 2023, the Board voted to levy a fine against you in the amount of \$ \_\_\_\_\_.

**[If suspending, use this paragraph]** The Association has also **[delete “also” if Association is only suspending and not fining]** suspended your Lot’s right to use **[describe those Common Areas or facilities that are being suspended]** for a period of \_\_\_\_\_ (\_\_\_\_) days.

Pursuant to Section 720.305(2)(b), Florida Statutes, there will be a hearing before the Compliance Committee on \_\_\_\_\_ **[day]** \_\_\_\_\_ **[month and date]** 202\_\_\_\_, at \_\_\_\_\_ **[time]** at \_\_\_\_\_ **[place, include address]** to determine whether to confirm or reject the fine and/or suspension that the Board levied.

You have a right to attend the hearing to respond, to present evidence, and to provide written or oral argument. You also have an opportunity at the hearing to review, challenge, and respond to any material considered by the Association. You have a right to be represented by counsel at the hearing. If you intend to appear with counsel, please notify the Association, in writing, no later than seven (7) days prior to the hearing so that the Association has sufficient time to arrange for its counsel to be present should it choose to do so.

If you fail to appear at the hearing, the fine and/or suspension, if confirmed by the Committee, will be imposed after a hearing has been conducted in your absence. If you have any questions about scheduling, please contact **[Association officer or Manager]** at **[phone number]** or **[e-mail address]**.

In the event the Committee confirms the fine and/or suspension levied by the Board, the fine and/or suspension will be imposed. If the Committee rejects the fine and/or suspension, it will not be imposed. You will receive written notice of any fine and/or suspension imposed.

**[Include this paragraph only if Lot is Non-Owner Occupied]** This Notice is also being provided to the record Owner(s) of the Lot. Pursuant to Florida law and the Governing Documents, the Owner is jointly and severally liable for the conduct of his or her tenants, and the occupants of the Lot, as well as their guests, licensees, or invitees. Accordingly, the fine may also be imposed against

the Owner(s), either directly, or jointly and severally. In cases where only a non-Owner (e.g., tenant, occupant, or invitee) is fined, the Owner shall be jointly and severally liable for payment of the fine. ***[Use following suspension sentence, if applicable.]*** Owners shall likewise be suspended from common facility use during the period of the suspension of a non-Owner. Owners have the right to attend the Committee Hearing.

Very truly yours,

***[President or Association Manager]***

On behalf of the Board of Directors

**EXHIBIT 3**

**NOTICE OF IMPOSITION OF FINE AND/OR SUSPENSION**

\_\_\_\_\_ [Date Sent]

**CERTIFIED MAIL #** [Fill in Tracking Number from Green Card Here]

TO: [Owner Address of Record, Name All Record Owners per Deed, if Owner Occupied Lot/Parcel] or [Tenant/Non-Owner Occupant at Lot's Address, if Non-Owner-Occupied Lot]

**Re: Notice of Violation Dated [Include date and use only if Notice of Violation was given in advance]; Hearing Held \_\_\_\_\_, 20\_\_\_\_**

Dear \_\_\_\_\_

During the Compliance Committee hearing on \_\_\_\_\_, 20\_\_\_\_, the Committee determined that the Board properly levied a fine against you in the amount of \$\_\_\_\_\_, as authorized by law. **[Use only the following sentence where applicable]** The Committee also confirmed to suspend your right to use **[describe the specific portions of the Common Areas or facilities being suspended]** for a period of \_\_\_\_\_ (\_\_\_\_) days, effective \_\_\_\_\_, 20\_\_\_\_.

As such, the fine is now imposed against you. **[Use the following if applicable]** Likewise, as of the date of this letter, the suspension is imposed for a period of \_\_\_\_\_ (\_\_\_\_) days. The suspension applies to all Owners, tenants, occupants, guests, licensees, and invitees.

**You must pay the fine no later than five (5) days from the date of this letter.**

You may remit payment of the fine to the Association, c/o \_\_\_\_\_ **[edit as appropriate]**. Checks should be made payable to the Heron Landing Homeowners Association, Inc. If you fail to pay the fine, or violate the Association's suspension order, the Association reserves all rights available under law to collect the fine and enforce the suspension. These include (but are not limited to) filing an action in a court of competent jurisdiction to recover the fine and/or enforce the suspension.

Thank you for your prompt attention to this matter.

Very truly yours,

[Association President or Manager]  
On behalf of the Board of Directors