

**A RESOLUTION OF THE BOARD OF DIRECTORS OF  
NATURE’S EDGE COMMUNITY ASSOCIATION, INC.**

**WHEREAS**, the Board of Directors (“Board”) of Nature’s Edge Community Association, Inc. (“Nature’s Edge”), is obligated and authorized by the Homeowners’ Association Act to enforce its governing documents and rules and regulations (“Governing Documents”);

**WHEREAS**, Section 720.305, Florida Statutes, empowers Nature’s Edge to levy reasonable fines for the failure to comply with the Governing Documents;

**WHEREAS**, the Board deems it necessary to clarify the procedure for exercising this authority;

**NOW, THEREFORE**, be it resolved by the Board at its duly noticed meeting on January 11, 2022 at which a quorum was present that the following is hereby adopted:

**NATURE’S EDGE FINE PROCEDURE**

1. Levy of Fine. The Board is authorized, at a duly noticed meeting, following such preliminary notices as it deems advisable, to impose reasonable fines in an amount it shall, in its sole discretion, determine for violations of the Governing documents and rules. A fine may not exceed \$100 per violation, except that a fine may be levied for each day of a continuing violation, provided that the fine may not exceed \$1,000 in the aggregate.

2. Notice of Levy. If the Board votes to levy a fine, it shall provide written notice (“Notice of Levy”) by mail or hand delivery to the person against whom the fine is levied describing the violation, specifying the amount of the fine and whether it is recurring, advising that the person against whom a fine is levied has at least 14 days to request a hearing to contest the fine and listing the address to which a hearing request must be sent.

3. Hearing to Contest Fine.

a. Anyone against whom a fine is levied has the right to a hearing to contest the fine before a committee of 3 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. Until such time as the Board deems fit to make a change, the Fine Committee shall consist of one chairperson, and two committee members.

b. To take advantage of this hearing, the person against whom a fine is levied must deliver a written request for a hearing to the address listed in the Notice of Levy by the deadline referenced therein.

c. The hearing shall be open to all members and notice of the shall be posted in a conspicuous place within the community at least 48 hours in advance.

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

4. Imposition of Fine. The fine levied by the Board is imposed if a hearing is not timely requested or, in the event of a timely request, upon approval by the committee.

5. Notice of Imposition. Written notice of any fine imposed shall be furnished by mail or hand delivery to the person against whom the fine is imposed describing the violation, specifying the fine amount and whether it is recurring and listing the date(s) that payment is due and the address to which payment should be delivered.

6. Personal Obligation, Interest & Lien. It is the personal obligation of each person against whom a fine is imposed to pay the fine amount. Fines not paid when due shall bear interest at 18% per annum. Unpaid fines may be secured by liens pursuant to applicable law.

7. Notice of Resolution. If a violation for which a fine is levied or imposed is resolved, the person against whom a fine is levied or imposed shall immediately provide written notice thereof to Nature's Edge.

8. Remedies. The Board has sole discretion to waive or delay the imposition of all or part of any fine on a case-by-case basis. The failure of Nature's Edge to levy or collect a fine in any given situation does not waive the right to do so in the future for the same or a similar violation. Nature's Edge may elect from among its numerous remedies to address a violation.

**THE UNDERSIGNED**, on behalf of Nature's Edge, hereby certifies that the resolution and fine procured set forth above have been duly approved by the Board of Directors.

**DATED** this 11 day of January, 2022.

**Nature's Edge Community  
Association, Inc.**



\_\_\_\_\_  
Signature

Paige Green  
Printed Name

Secretary/Director  
Position

Date: \_\_\_\_\_

Delivery method:  mail /  hand delivery

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Re: Notice of Imposition of Fine

Dear homeowner(s):

Despite the *Notice of Levy of Fine* sent on \_\_\_\_\_, 20\_\_, you have not cured the violation of Article \_\_\_\_\_ of Nature's Edge Community Association, Inc.'s  Amended and Restated Declaration of Covenants and Restrictions /  Bylaws /  Rules existing on your property. In violation of the foregoing, you have:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In addition,  you failed to timely request a hearing to contest the fine /  the fine committee upheld the fine. You are hereby notified that effective \_\_\_\_\_, 20\_\_ the following fine has been imposed against you:

*Fine Amount:* \$ \_\_\_\_\_  flat fine /  recurring fine

*Recurrence Rate (if applicable):*  day /  incident /  other: \_\_\_\_\_

The fine is due within 5 days from the date of this letter. If the fine is recurring, payment is required within 5 days of each recurrence date (i.e. daily, weekly, etc.), calculated from the date of this letter, until the violation is resolved. Payment is due to the association at its above-address. If not promptly paid, this fine bears interest at 18% per annum. Notify the association immediately, in writing, at the above-address, if the violation is cured. If payment is not timely made and the violation is not immediately cured, this matter will be turned over to our attorney. Thank you for your immediate attention to this matter.

**/s/ Board of Directors**  
**Nature's Edge Community Association, Inc.**

cc: resident file

Date: \_\_\_\_\_

Delivery method:  mail /  hand delivery

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Re: Notice of Levy of Fine

Dear homeowner(s):

You are in violation of Article \_\_\_\_\_ of Nature's Edge Community Association, Inc.'s  Amended and Restated Declaration of Covenants and Restrictions /  Bylaws /  Rules. In violation of the foregoing, you have:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

As a result, the following fine was levied against you at the Board meeting held on \_\_\_\_\_, 20\_\_:

Fine Amount: \$\_\_\_\_\_  flat fine /  recurring fine

Recurrence Rate (if applicable):  day /  incident /  other: \_\_\_\_\_

If not timely paid, this fine bears interest at 18% per annum. Payment is due to the association at its above-address. If the fine is recurring, payment is required upon each recurrence (i.e. daily, weekly, etc.) until the violation is resolved. You must notify the association immediately, in writing, at the above-address, if the violation is cured.

You have the right to a hearing to contest the imposition of any fine 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. To take advantage of this hearing, you must, within 16 days from the date of this letter, deliver a written request for a hearing to the association at the above-address. If the hearing committee, by majority vote, does not approve a proposed fine, it may not be imposed. Thank you for your immediate attention to this matter.

**/s/ Board of Directors**  
**Nature's Edge Community Association, Inc.**

cc: resident file

West's Florida Statutes Annotated  
Title XL. Real and Personal Property (Chapters 689-724)  
Chapter 720. Homeowners' Associations (Refs & Annos)  
Part I. General Provisions

West's F.S.A. § 720.305

**720.305.** Obligations of members; remedies at law or  
in equity; **levy of fines** and suspension of use rights

Effective: July 1, 2021

[Currentness](#)

(1) Each member and the member's tenants, guests, and invitees, and each association, are governed by, and must comply with, this chapter, the governing documents of the community, and the rules of the association. Actions at law or in equity, or both, to redress alleged failure or refusal to comply with these provisions may be brought by the association or by any member against:

- (a) The association;
- (b) A member;
- (c) Any director or officer of an association who willfully and knowingly fails to comply with these provisions; and
- (d) Any tenants, guests, or invitees occupying a parcel or using the common areas.

The prevailing party in any such litigation is entitled to recover reasonable attorney fees and costs. A member prevailing in an action between the association and the member under this section, in addition to recovering his or her reasonable attorney fees, may recover additional amounts as determined by the court to be necessary to reimburse the member for his or her share of assessments levied by the association to fund its expenses of the litigation. This relief does not exclude other remedies provided by law. This section does not deprive any person of any other available right or remedy.

(2) An association may levy reasonable fines. 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.

(a) 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.

(b) A fine or suspension levied by the board of administration may not be imposed unless the board first provides at least 14 days' notice to the parcel owner and, if applicable, any occupant, licensee, or invitee of the parcel owner, sought to be fined or suspended and an opportunity for 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. 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. If the proposed fine or suspension levied by the board is approved by the committee, the fine payment is due 5 days after notice of the approved fine is provided to the parcel owner and, if applicable, to any occupant, licensee, or invitee of the parcel owner. The association must provide written notice of such fine or suspension by mail or hand delivery to the parcel owner and, if applicable, to any occupant, licensee, or invitee of the parcel owner.

(3) If a member is more than 90 days delinquent in paying any fee, fine, or other monetary obligation due to the association, the association may suspend the rights of the member, or the member's tenant, guest, or invitee, to use common areas and facilities until the fee, fine, or other monetary obligation is paid in full. This subsection 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. The notice and hearing requirements under subsection (2) do not apply to a suspension imposed under this subsection.

(4) An association may suspend the voting rights of a parcel or member for the nonpayment of any fee, fine, or other monetary obligation due to the association that is more than 90 days delinquent. A voting interest or consent right allocated to a parcel or member which has been suspended by the association shall be subtracted from the total number of voting interests in the association, which shall be reduced by the number of suspended voting interests when calculating the total percentage or number of all voting interests available to take or approve any action, and the suspended voting interests shall not be considered for any purpose, including, but not limited to, the percentage or number of voting interests necessary to constitute a quorum, the percentage or number of voting interests required to conduct an election, or the percentage or number of voting interests required to approve an action under this chapter or pursuant to the governing documents. The notice and hearing requirements under subsection (2) do not apply to a suspension imposed under this subsection. The suspension ends upon full payment of all obligations currently due or overdue to the association.

(5) All suspensions imposed pursuant to subsection (3) or subsection (4) must be approved at a properly noticed board meeting. Upon approval, the association must notify the parcel owner and, if applicable, the parcel's occupant, licensee, or invitee by mail or hand delivery.

(6) The suspensions permitted by paragraph (2)(a) and subsections (3) and (4) apply to a member and, when appropriate, the member's tenants, guests, or invitees, even if the delinquency or failure that resulted in the suspension arose from less than all of the multiple parcels owned by a member.

#### Credits

Laws 1992, c. 92-49, § 37; Laws 1995, c. 95-274, § 55; Laws 1997, c. 97-311, § 2; Fla.St.1999, § 617.305. Renumbered as § 720.305, by Laws 2000, c. 2000-258, § 51, eff. July 1, 2000. Amended by Laws 2004, c. 2004-345, § 20, eff. Oct. 1, 2004; Laws 2004, c. 2004-353, § 17, eff. June 23, 2004; Laws 2007, c. 2007-173, § 12, eff. July 1, 2007; Laws 2008, c. 2008-202,

§ 8, eff. July 1, 2008; Laws 2010, c. 2010-174, § 24, eff. July 1, 2010; Laws 2011, c. 2011-196, § 18, eff. July 1, 2011; Laws 2013, c. 2013-188, § 16, eff. July 1, 2013; Laws 2015, c. 2015-97, § 17, eff. July 1, 2015; Laws 2018, c. 2018-96, § 14, eff. July 1, 2018; Laws 2021, c. 2021-99, § 21, eff. July 1, 2021.

West's F. S. A. § 720.305, FL ST § 720.305

Current with laws of the 2021 First Regular Session of the Twenty-Seventh Legislature in effect through July 1, 2021.

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