

SANDESTIN OWNERS ASSOCIATION, INC.

FINE HEARING COMMITTEE POLICY

Original Effective date: 9/28/2023

Rev. 1 SOA Board Approved December 19,2024

Whereas, Article VI, Section 2(p) of the Sandestin Declaration of Covenants, Conditions and Restrictions, authorizes the Sandestin Owners Association (SOA) to take any all actions necessary to enforce the Declaration; and

Whereas, Article VI, Section 1(d) of the SOA Bylaws, authorizes the SOA Board to adopt and publish rules and regulations governing the Common Areas and Common Roadways, including fines if deemed appropriate; and

Whereas, Article VI Section 1 (g) authorizes the SOA Board to impose fines against owners, guests, tenants and non-contractor invitees within Sandestin for violations of the Association's governing documents, including but not limited to the published rules and the Architectural Review Board Guidelines, in amount not to exceed \$100 per violation per day, and not to exceed \$5,000 in the aggregate. (As amended February 24, 2012); and

Whereas, Article VI Section 1 (h) authorizes the SOA Board to impose fines against third party contractors doing business within Sandestin for violations of the SOA's governing documents, including but not limited to the published rules and the Architectural Review Board Guidelines not to exceed \$25,000 in the aggregate. (As amended February 24, 2012.); and

Whereas, section 720.305, Florida Statutes, authorizes the imposition of fines and addresses the process for imposing them, inclusive of the mandatory requirement that any person sought to be fined be afforded an opportunity to be heard before a committee.

Now, therefore, be it resolved that, in an effort to allow all owners, guests, tenants, or invitees (the "Grievant") an opportunity to be heard regarding the imposition of a fine or the suspension of use of common area or facilities, the SOA Board appoints a Fining Committee (the "Committee") to review any fine or suspension, and adopts the following guidelines to assist the Committee in performing their duties.

NOTICE OF HEARING

1. The Grievant who is proposed to be fined must be provided the opportunity for a hearing before the Committee with a single notice at least 14 days prior to the Hearing date. The Hearing date will be scheduled no more than 90 days from the date of the notice.
2. The owner, and if applicable, the guest, tenant, or invitee, must be notified of the hearing at his or her designated mailing or e-mail address. The notice must include a description of the alleged violation, the specific action required to cure such violation, if applicable, and the date and location, of the hearing.
3. A parcel owner has the right to attend a hearing by telephone or other electronic means.
4. If the Grievant, or applicable person, has cured the violation by the date provided in the violation notice, as applicable, no fine shall be imposed.

FINE HEARING COMMITTEE COMPOSITION

1. The Committee shall be comprised of at least 3 members who are not officers, directors or employees of the Association, or the spouse, parent, child, or sibling of an officer, director, or employee. A minimum of three members in attendance will constitute a quorum.

FINE HEARING COMMITTEE PROCEDURES

1. The Chair will establish a meeting calendar on an annual basis with meetings scheduled at least once a month.
2. The Chair of the Committee shall be appointed by the Board of Directors and will conduct the hearing. The Chair shall outline the procedure to be followed during the hearing.
3. A quorum must be present to conduct the hearing.
4. The Grievant may speak only when recognized by the Chair. The Grievant will have a reasonable opportunity, not to exceed 10 minutes, to present his or her grievance and testimony as to why the fine or suspension should be overturned.
5. Both the Grievant and the SOA may present witnesses and supporting documentation.
6. All discussion between the Grievant and the Committee, and all others present, shall be conducted in a polite and respectful manner, without harassment or intimidation.
7. The Committee will review and hear, if applicable, all testimony for each case. The deliberations among the Committee regarding the proposed fines shall be in a closed session.
8. The role of the Committee is limited to determining whether to confirm or reject the fine.
9. All decisions of the Committee are final and will be submitted in writing to the Grievant no later than 7 days after the hearing.
10. If the proposed fine is levied, the fine is due 30 days after notice is provided to the Grievant.