

Bermuda Greens Condominium Association

Fining Committee Charter

1. Purpose

The Fining Committee ("Committee") is established by the Board of Directors ("Board") of the Bermuda Greens Condominium Association ("Association") to assist the Board in determining if a recommended fine or suspension of use rights is justified to an owner(s) in violation of the rules and regulations. The Committee serves in an advisory capacity only and operates under the authority, direction, and oversight of the Board. The purpose of the Committee is to:

- A. Ensure fair, neutral, and unbiased enforcement of the Association's governing documents (Declaration, Bylaws, and Rules & Regulations) by impartially reviewing fines and suspensions proposed by the Board of Directors.
- B. The Committee operates pursuant to the Florida Condominium Act (F.S. 718). The Board cannot impose a fine or suspend common element use or voting rights without this independent committee's approval.

2. Committee Composition

- A. The Committee must consist of at least three (3) unit owners in good standing (current on financial obligations and with no pending violations).
- B. Under Florida law, Committee members **cannot** be members of the Board of Directors, officers, or employees of the association. Additionally, they cannot be married to or reside with a Board member, officer, or employee.
- C. Members are appointed by the Board of Directors and serve at the discretion of the Board.
- D. To ensure the Committee remains dynamic and accessible to all interested individuals, a standard term of two years will be established for all members. However, members and the Chairperson may be reappointed by the Board.
- E. The Board or committee shall select a Chairperson from among its members to run meetings and sign official documents.
- F. Any Committee member may be removed by the Board at any time, with or without cause.

3. Meetings

The Committee may meet as necessary to fulfill its responsibilities. A majority of Committee members shall constitute a quorum for conducting Committee business. Meeting procedures may include:

- A. Preparation of agendas
- B. Maintenance of meeting notes or summaries
- C. Submission of recommendations to the Board in writing when practical

4. Notice and Hearing Process

- A. **14-Day Written Notice:** Before a fine can be imposed, the Association must provide the unit owner (and, if applicable, their tenant, guest, or licensee) at least 14 days' written notice.
- B. **Notice Contents:** The notice must state the specific rule/document violated, a concise summary of the events, the proposed fine amount, and the date/time of the hearing.
- C. **The Hearing:** The Committee must give the alleged violator an opportunity to be heard, present evidence, and state their case. Hearings are typically closed to the general membership.
 - 1) The hearing notice must designate a physical meeting location (such as a management office, clubhouse, or association common room) where a unit owner can attend in person if desired.
 - 2) Zoom or other video and audio-conferencing platforms may be used but must offer a call-in telephone option so individuals without computers can participate by audio.
 - 3) If the committee uses video conferencing software, the hearing must be recorded and retained as an official record of the association.
- D. **Mandatory Hearings:** Under Florida law, the hearing must still take place even if the violating party does not attend or fails to formally request a hearing.

5. Voting and Decision-Making

- A. **Confirmation or Rejection:** Following the hearing, the Committee must vote to either **confirm** or **reject** the fine levied by the Board.

- B. **Quorum:** A majority of the Committee must be present to vote. The fine is imposed only if a majority of the Committee votes to approve it.
- C. **Written Decision:** The Committee must provide written notice of its final decision to the fined individual and the Board within 7 days.
- D. Once the committee approves/confirms the fine, the Board formally imposes it.

6. Fine Limits and Enforcement

- A. **Statutory Caps:** Fines in Florida condominiums are strictly capped at **\$100 per violation, per day** of continuing violation.
- B. **Aggregate Cap:** The maximum aggregate fine for a continuing violation is capped at **\$1,000**, unless the Association's specific governing documents state otherwise.
- C. **No Liens for Fines:** Under Florida condo laws, fines **cannot** become a lien against a unit, nor can they lead to foreclosure. Unpaid fines are typically collected through small claims court action, or the Association can suspend the owner's voting rights and common area privileges if the fine meets the \$1,000 cap.

7. Confidentiality

Committee members may receive information relating to owner complaints, violations, or enforcement matters. Members shall maintain confidentiality regarding sensitive or non-public Association matters discussed during Committee activities.

8. Amendments

This Charter may be amended, revised, or repealed by the Board of Directors at any duly noticed Board meeting.

9. Term and Dissolution

The Committee operates under the authority, direction, and oversight of the Board. The Board may amend this Charter, modify the Committee's responsibilities, suspend its activities, or dissolve the Committee at any time.

10. Adoption

This Charter was adopted by the Board of Directors of the Bermuda Greens Condominium Association on June 23, 2026 and shall remain in effect until amended or repealed by the Board.

Board President:

Gary Dunn

Secretary:

Lorrie Beaumont

Date:

June 23, 2026