

The Four Seasons Condominium Association of Cocoa Beach, Inc.

A Corporation Not-For-Profit

Covenant Enforcement and Fining/Suspension Policy

The undersigned, being the President of **THE FOUR SEASONS CONDOMINIUM ASSOCIATION OF COCOA BEACH, INC.**, a Florida non-profit corporation, hereby states that, at a duly noticed meeting of the Board of Directors (“Board”) on MAY 08, 2025, at which a quorum of the Board was present, no less than a majority of the Association’s Board duly and properly adopted the following Covenant Enforcement and Fining/Suspension Policy.

WHEREAS, The Four Seasons Condominium Association of Cocoa Beach, Inc. (“Association”) is the corporation charged with the enforcement of the covenants and restrictions governing the units subject to and encumbered by that certain Declaration of Condominium of The Four Seasons Condominium, recorded in Official Records Book 2012, at Page 574, *et seq.*, of the Public Records of Brevard County, Florida, as amended from time to time (“Declaration”), the Articles of Incorporation of The Four Seasons Condominium Association, Inc., as amended from time to time (“Articles”); and the Bylaws of The Four Seasons Condominium Association, Inc., as amended from time to time (“Bylaws”); and

WHEREAS, Section 718.303, Florida Statutes, the Association is authorized to enforce the Governing Documents, including the authority to levy and impose reasonable fines for the failure of the owner of the unit or its occupant, licensee, or invitee to comply with any provision of the Declaration, the Association’s Bylaws, or reasonable rules and regulations of the Association, and that an association may suspend, for a reasonable period of time, the right of a unit owner, or a unit owner’s tenant, guest, or invitee, to use the common elements, common facilities, or any other association property for failure to comply with any provision of the Governing Documents; and

WHEREAS, pursuant to Article XXIV of the Declaration, the Association shall have the right to proceed at law for damages or in equity to compel a compliance with the terms of the Declaration or to prevent the violation or breach of any of them, or for such other relief as may be appropriate; and

WHEREAS, pursuant to Article III, Section B.5. of the Articles, the Association shall have the power to enforce the provisions of the Declaration, the Articles, the Bylaws, and the rules and regulations governing the use of the condominium property; and

WHEREAS, pursuant to Article 4, Section k of the Bylaws, all of the powers and duties of the Association shall be exercised by the Board, and such powers and duties shall be exercised in accordance with the Governing Documents, and shall include the enforcement by legal means the provisions of the Declaration, the Articles, the Bylaws, and any regulations promulgated governing use of the property in the condominium; and

WHEREAS, the Association is desirous of empowering the Association's Management Company, if any, including its Licensed Community Association Manager and employees or representatives of the Association's Management Company (collectively, "Manager") with the authority to initiate the enforcement of the Governing Documents, including the authority to initiate enforcement against violations of the Governing Documents, issuing notices, administering the fining and suspension process, initiating tows, and referral to the Association legal counsel; and

WHEREAS, the Board is desirous of creating a clear and streamlined procedure for enforcement of the Governing Documents, and the levying such fines and suspensions pursuant to Section 718.303(3), Florida Statutes and the Governing Documents.

NOW, THEREFORE, it is hereby resolved as follows:

1. **Recitals.** The above recitals are true and correct and are hereby incorporated into this Covenant Enforcement and Fining/Suspension Policy ("Policy").
2. **Supplement.** This Policy is intended to supplement and used in connection with the Declaration, Articles, Bylaws, and any other rules, regulations, policies, and procedures adopted by the Board, as they have or may be amended and supplemented from time to time (collectively the "Governing Documents").
3. **Definitions.** The definitions of the capitalized terms in this Policy, unless otherwise defined herein, shall have the same meaning as those set forth in the Declaration.
4. **Inspection.**
 - a. The Association, through its Board, officers, Manager, if any, and/or other authorized agents, shall perform routine inspections of the community to determine violations of the Governing Documents. For the purposes of this Policy, the term "Association" also means the Association's Board, officers, Manager, if any, and/or other authorized agents as the context requires.
 - b. In addition to the aforesaid routine inspections, the Association may utilize, inspect and/or verify any reports of violations of the Governing Documents coming from any member or any member's tenant, guest or invitee for the failure of a member or a member's tenant, guest or invitee to comply with the Governing Documents.
 - c. Inspections, whether routine or for verification of a report, may be performed from the roads, sidewalks, common grounds, or from a neighbor's property if invited by the respective neighboring owner.
5. **Violations; Notice of Violations.** The Association (subject always to contrary direction by the President or the Board) may determine which violations may be addressed first through the process and procedures set forth in this Policy. Manager, if any, may confer with the President and/or legal counsel in attending to this function but shall be delegated the general authority and

responsibility to initiate or provide any of the notices required by this Policy. The Association anticipates it will provide the following notices to members and members' tenants, guests or invitees after a determination that a violation of the Governing Documents has occurred or is occurring:

a. **Notice of Violation.** Upon determination that a violation of the Governing Documents has occurred or is occurring, the Association shall mail by regular first-class mail, a Notice of Violation to the offending owner of the unit and/or its occupant, licensee, or invitee, requesting their bring their unit/behavior into compliance. The Notice of Violation shall set forth (i) a description of the violation(s), (ii) the provisions of the Governing Documents on which the violation(s) is/are based, (iii) the specific action required to cure or resolve the violation, (iv) the timeframe in which to cure the violation (*e.g.*, thirty (30) days from the date the Notice of Violation is sent), and (v) advising the owner of the unit and/or its occupant, licensee, or invitee if the violation is not cured, the Association may refer the matter to legal counsel, levy fines, or suspend use rights.

6. **Further Enforcement Action.** If the Notice of Violation does not result in the resolution of a violation to the satisfaction of the Association, or in cases where no initial notice is issued, the Association shall be empowered with the authority to (i) initiate the fining and/or suspension of use rights process by placing the consideration of levying a fine and/or suspension of use rights on the agenda for a regular or specially scheduled meeting of the Board; (ii) issue another notice for the violation; and/or (iii) refer the violation to the Association's legal counsel as provided in this Policy. All such rights and remedies are cumulative in nature.

7. **Levying Fines and Suspensions.**

a. **Board Meeting:** In the event the Association elects to implement fines and/or suspend the use rights of any owner of a unit and/or its occupant, licensee, or invitee for violation of the Governing Documents, the Board shall decide at a duly noticed Board meeting whether to propose the imposition of a fine or suspension of use privileges. At the properly noticed Board meeting, if a majority of the Board votes to levy a fine and/or suspension of use rights, the owner of the unit and/or its occupant, licensee or invitee 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 and further be notified of a hearing before a committee ("Enforcement Committee") where the fine and/or suspension shall be considered for confirmation or rejection. Such written notification shall require the following:

- Description of the violation(s);
- Specific action(s) required to cure the violation(s);
- Fines and/or suspensions levied;
- Date, time, and location of the hearing before an Enforcement Committee, which shall be scheduled for a date at least fourteen (14) days from the date of the letter levying the fine and/or suspension; and
- The written notice shall be delivered by certified mail, return receipt requested, with an additional copy by regular mail. E-mail copies may also be sent but are not required.

b. **Fines:** A fine may not exceed \$100.00 per violation against any owner of a unit and/or its occupant, licensee, or invitee for the failure of the owner of a unit and/or its occupant, licensee or invitee to comply with any provision of 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 \$1,000.00 in the aggregate. A fine shall not become a lien against a unit.

c. **Suspension of Use Rights:** A suspension of use rights pursuant to this policy may apply to the use rights in all of the common elements, recreational areas and facilities, or any other association property, except that this suspension shall not apply to limited common elements intended to be used only by that unit, common elements needed to access the unit, utility services provided to the unit, parking spaces, or elevators. Such suspension shall also apply, when appropriate, to all of the unit owner's occupants, licensees, or invitees, even if the violation that resulted in the suspension arose from less than all of the multiple units owned by the unit owner, in accordance with Section 718.303(7), Florida Statutes.

d. **Enforcement Committee:** The Board shall appoint an Enforcement Committee for the purpose of conducting a hearing pursuant to Section 718.303(3), Florida Statutes. The Enforcement Committee shall consist of at least three (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. The Enforcement Committee shall be empowered with the authority to conduct fining/suspension hearings for violations of the Governing Documents. At least a majority of the Enforcement Committee members are required to establish a quorum of the Enforcement Committee. Actions of the Enforcement Committee shall be by vote of a majority of the Enforcement Committee members present, assuming a quorum is achieved.

e. **Enforcement Committee Hearing:** At the Enforcement Committee hearing, the role of the Enforcement Committee shall be limited to either confirming or rejecting the fines and/or suspensions levied by the Board. The unit owner and, if applicable, the party against whom the fine and/or suspension is sought to be imposed (if different from the owner of the unit), 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 Enforcement Committee. If the Enforcement Committee confirms the fine and/or suspension at the scheduled hearing, the fine and/or suspension shall be deemed automatically imposed by the Board upon the Enforcement Committee's confirmation of the fine and/or suspension as provided above, unless the minutes of the Board meeting levying the fine and/or suspension specifically state that the Board will hold an additional meeting following the Enforcement Committee hearing to impose the fine and/or suspension.

f. **Notice of Fine/Suspension:** If a fine and/or suspension is imposed, the Association shall provide the owner and, if applicable, any occupant, licensee, or invitee of the owner with a Notice of Imposed Fine/Suspension letter, with the Enforcement Committee's findings related to the violation, including applicable fines or suspensions that the Enforcement Committee approved or rejected; and for each fine or suspension approved (i) a description of the violation(s) for which the fines or suspensions were approved; (ii) the provision(s) of the Governing Documents violated;

and (iii) the specific action required to cure the violation(s). Any suspensions confirmed pursuant to these procedures shall immediately become effective upon confirmation by the Enforcement Committee.

g. **Payment of Fines:** The person who the fine has been levied against shall pay the amount of the imposed fine within five (5) days from the date of the notice outlined in subparagraph (f) hereinabove. Should the person fail to pay the fine, the Association shall be entitled to proceed with collections in accordance with Florida law and the Association's Governing Documents.

6. **Violations Referred to Association Attorney.** At any point, the Manager, if any, may confer with the President and/or Board, but shall be delegated the general authority (subject always to contrary direction by the President or the Board) to request a violation be addressed by the Association's legal counsel through demand letters sent from the attorney's office, in-person meetings, pre-suit mediation demands and/or non-binding arbitration, as required by Chapter 718, Florida Statutes, a lawsuit for injunctive relief, or any other legal action appropriate under the circumstances. The Association may still proceed with the fining/suspension process described herein even when a violation has been referred to the Association's attorney. However, the Association shall provide legal counsel information on any enforcement action taken or to be taken by the Association regarding any violations once they have been referred to legal counsel.

7. **Deviation from Policy.** General compliance with this Policy shall be sufficient, it being intended to be used as a guideline to ensure fairness in the enforcement and fining/suspension process. It is the intention of this Policy 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.

a. The Manager, if any, in consultation with the President, where appropriate, shall have the authority to disregard the provisions of this Policy 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 the community, or in other circumstances where such disregard is justified, unless specifically required by law or other provisions of the Governing Documents.

b. Compliance with this Policy and the imposition of fines or suspension of use rights shall not be deemed a prerequisite to the initiation of legal proceedings or other remedies to enforce the Governing Documents, unless specifically required by law or other provisions of the Governing Documents.

c. Compliance with the procedures of this Policy shall not invalidate any enforcement action taken by the Association whatsoever, including without limitation the imposition of fines or suspension of use rights, unless specifically required by law or other provisions of the Governing Documents.

d. Nothing in this Policy shall be deemed a waiver of the Association's rights and remedies available to it at law and in equity whether such rights and remedies arise under Florida law or the Governing Documents. All such rights and remedies are cumulative.

8. **Additional Delegation of Authority.** The Board may delegate such other powers and duties to the Manager, if any, or to such other person as may be necessary or appropriate under the circumstances to effectuate this Policy. The Board may adopt additional policies and procedures for the Manager, if any, or such other persons to follow, or to be utilized in connection with the enforcement and fining/suspension process set forth herein.

The undersigned President of Association hereby certifies that the foregoing is a true and correct copy of the Policy adopted at the meeting of the Board of the Association held on May 08, 2025, which meeting was called after due notice was given and at which meeting a quorum of the Board was present.

IN WITNESS HEREOF, the Association has caused these presents to be executed in its name, this 15th day of MAY, 2025.

**THE FOUR SEASONS CONDOMINIUM
ASSOCIATION OF COCOA BEACH, INC.**

By: Don G. Copeland Jr (sign)

Don Gene Copeland JR (Print)

President of The Four Seasons Condominium
Association of Cocoa Beach, Inc.