

Prepared by and return to:
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RESOLUTION 2021-01

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE HOLIDAY PARK AND RECREATION DISTRICT RELATED TO PENALTIES AND FINES FOR VIOLATION OF RULES AND REGULATIONS CONCERNING THE FACILITIES OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Holiday Park and Recreation District (the “District”) is authorized by Chapter 2020-190, Laws of Florida (the “2020 Legislation”), to adopt and enforce certain rules and regulations governing the use of District facilities and prescribe penalties for violations of such rules and regulations; and

WHEREAS, pursuant to the 2020 Legislation, the rate of such penalties shall be fixed by a resolution of the Board of Trustees of the District (“Board”); and

WHEREAS, the District is authorized to adopt resolutions as may be necessary for the conduct of District business.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF HOLIDAY PARK AND RECREATION DISTRICT:

SECTION 1. The above Whereas clauses are true and correct and are hereby ratified and confirmed.

SECTION 2. In order to defray the costs of inspection and enforcement regarding the rules and regulations of the District and in conformance with the 2020 Legislation, the following schedule of fines is adopted by the Board for the failure of any property owner or its occupant, licensee, or invitee to comply with a provision of the rules and regulations of the District:

Violation	Fine
Permitting overnight guests to use recreation facilities without registering	\$25 per day
Permitting persons rejected for occupancy to occupy property	\$100 per day

Permitting children under age 13 to use facilities without adult supervision	\$25 per day
Permitting children under age 14 to drive a golf cart	\$25 per occurrence
Permitting guests to occupy a coach without registering or for more than 30 days in a 12-month period	\$50 per day
Permitting non-registered renters to occupy coach and/or use facilities	\$100 per day
Parking, occupying or permitting guests to park or occupy an RV overnight	\$100 per day
Parking or permitting guests to park an RV, boat or hauling trailer on residential property for more than 48 hours	\$100 per day
Using carport to store other than patio furniture, BBQ and permitted vehicles	\$50 per day
Permitting coach and/or sheds to accumulate mildew or mold	\$50 per day
Violation of landscaping rules including excessive weeds in planting beds/landscape areas, non-removal of dead trees, limbs, or stumps below ground level and/or leaving shrubs/trees untrimmed	\$50 day
Violation of Architectural Control Committee rules	\$100 day
Violating, or permitting guests to violate fitness center rules	\$25 per occurrence
Willful damage of Park property by residents or guests	\$100 per occurrence

Violating, or permitting guests to violate pool rules	\$25 per occurrence
Violation of compound rules	\$100 per occurrence
Violating, or permitting guests to violate pet rules	\$50 per occurrence
Violation of deed restrictions/rules not listed above	Not to exceed \$100 per violation as determined by District Board

A fine may be levied by the Board for each day of a continuing violation, with a single notice and opportunity to be heard, except that a fine may not exceed a cumulative total of \$1,000.00. A fine may not be imposed without at least fourteen (14) days' notice to the property owner alleged to be in violation and, if applicable, any occupant, licensee, or invitee of the property owner, sought to be fined and an opportunity to be heard before a committee of at least three (3) property owners appointed by the Board who are not officers, trustees, or employees of the District, or the spouse, parent, child, brother, or sister of an officer, trustee, or employee. The role of the committee is limited to determining whether to confirm or reject the fine levied by the Board. If the proposed fine levied by the Board is approved by the committee, the fine payment is due five (5) days after notice of the approved fine is provided to the property owner and, if applicable, to any occupant, licensee, or invitee of the property owner. If the committee, by majority vote, does not approve a proposed fine, the proposed fine may not be imposed. A fine may not become a lien against a property.

SECTION 3. If a property owner and, if applicable, any occupant, licensee, or invitee of the property owner is more than ninety (90) days delinquent in paying the fine, the District may suspend the rights of the property owner, or the occupant, licensee, or invitee of the property owner (without further notice and hearing), to use common areas and facilities until the fine is paid in full. This does not apply to that portion of common areas used to provide access or utility services to the subject property. A suspension may not prohibit an owner or occupant of a property from having vehicular and pedestrian ingress to and egress from the property, including, but not limited to, the right to park a vehicle.

SECTION 4. This Resolution shall be recorded in the Public Records of Sarasota County, Florida.

SECTION 5. If any section or part of a section of this Resolution be declared invalid or unconstitutional, the validity, force and effect of any other section or part of a section of this Resolution shall not thereby be affected or impaired unless it clearly appears that such other section or part of a section of this Resolution is wholly or necessarily dependent upon the section or part of a section so held to be invalid or unconstitutional.

SECTION 6. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, superseded and repealed.

SECTION 7. This Resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 11 day of FEBRUARY, 2021.

ATTEST:

BOARD OF TRUSTEES OF HOLIDAY
PARK PARK AND RECREATION
DISTRICT

Cheryl Langeward Morris
Secretary

[Signature]
Chairman

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 11 day of February, 2021, by R. Gortz, as Chairman of the Board of Trustees of Holiday Park Park and Recreation District, for and on behalf of the District. The above-named person is personally known to me, or has produced _____ as identification.

Barbara A. Vitolo
Signature of Notary Public
Print Name of Notary Public

(Notary Seal)

