

Applicable Section of Declaration and/or Rules and Regulations

«CCR ARTICLE CITED»

When an owner violation is noticed by either the Board of the Manager then the Owner will receive one of the following letters depending on the nature and severity of the violation.

Courtesy Notice - Friendly Reminder

Most violations will fall into this category. Violations pertaining to the maintenance of the property and garbage violations are examples of violations that would receive a courtesy notice and time to resolve the violation prior to board review. The owner will receive the courtesy notice with a timeframe in which the violation must be resolved. The notice will also explain the section(s) of the governing documents and or promulgated rules and regulations that are being violated.

Violation Notice - Sent for Board Review

If the violation is considered to be a liability concern or could possibly cause damage or danger to other persons or property then the violation notice will notify the owner of the nature of the violation and that the Board will review the violation and possibly impose a fine at the next board meeting.

If an Owner's violation is not resolved within the timeframe given in the *Courtesy Notice* then their unit number and violation type will be on the agenda for review at the next scheduled board meeting. All Owner's that receive a *Violation Notices Sent for Board Review* will be on the agenda for review at the next scheduled board meeting following the date of the letter.

Board Review and Fines Imposed

During the Board of Directors meeting the Board will review all facts regarding the violation and determine if a fine should be imposed. Florida Statute and the Governing Documents determine the total amount of fine that may be imposed. There is no state requirement that the owner be allowed to speak at this meeting; however, the owner will have the opportunity to appeal the fine at a hearing before the Fining Committee.

Following the Board meeting, if a fine is passed then the owner will receive a Notice of Hearing.

Notice of Hearing

This notice will be sent to the owner no less than 14 days prior to the date of the hearing. The hearing date is set by the fining committee at their discretion. There is no requirement to accommodate the schedule of the Owner being fined. Usually the hearings take place on the same timeframe each month. The *Notice of Hearing* will state the amount of the fine and the section(s) of the governing documents and or promulgated rules and regulations that are being violated.

Fining Committee Hearing

1. The meeting will be held by a three (3) person fining committee.
2. After review and discussion of the violation, the committee shall approve or deny the fine levied by the board. If the committee rejects the fine or use right then the board can start the decision making process over or the fining and suspension committee could make a recommendation to the board of what it will approve if it is sent back before the committee.
3. A final notice of the decision shall be mailed to the member advising if the fine/suspension was approved or disapproved. If the fine is issued, it must be paid within 14 days of the date of the notice. The association may pursue all legal remedies to collect the fine.*

*Florida Statute 720.305 (2) The association may levy reasonable fines of up to \$100.00 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. A fine may be levied for each day of a continuing violation, with a single notice and opportunity for hearing, except that the fine may not exceed \$1000.00 in the aggregate unless otherwise provided in the governing documents. A fine of less than \$1000.00 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 non-prevailing party as determined by the court.

«CCR RECORD'S IMAGE»