

# **Colonial Pointe Homeowners Association Fining Rules and Procedures**

Approved July 26, 2018

These rules and procedures implement the requirements of Florida Statute Section 720.305 and the Colonial Pointe (CP) Home Owners Association ("Association") Master Association Documents:

This statute requires that the Homeowner Association Board of Directors (BOD) must levy any fines. The BOD's findings must be confirmed by a Fining Committee appointed by the BOD.

The purpose of these fining procedures are to ensure that the standards outlined in the governing documents and rules of CP are met for the preservation of value and enjoyment of all residents of the community and not to generate fines per se.

Therefore, there is a warning procedure included in these Rules that is not required by statute.

The BOD has adopted the following Fining Policy, Fining Schedule and Fining procedure.

1. The Association or any Member may bring an alleged violation of the Declaration of Covenants, By-Laws or Florida Statute 720 to the attention of a member of the BOD and/or the Property Manager. The complaint shall be submitted in writing (hard copy or electronic) and forwarded to the Association's President of the Board of Directors.
2. The President will conduct a preliminary review of the alleged violation. The President shall determine if immediate response is required and take action at the next Board meeting.
  - a. If the BOD decides not to proceed it will notify the original complainant as to why they could not take action
  - b. If the BOD decides to proceed, the BOD may request that the management company send a "warning" letter to the Member requesting the violation be corrected within a specified time. Failure to be in compliance by the specified time will result in a fine being levied in the amount specified in the warning letter. The letter will identify the standard or rule alleged not in compliance, a copy of the standard or rule, a copy of the fining procedures and fining schedule. The letter may include supporting documents. Also included will be a short and plain statement of the matters asserted by the Community Association.

3. If the Board levies a fine against a member a 14 day notice shall be sent by certified mail to the member giving the member the opportunity to be heard by the Fining Committee.

a. The letter will also include identification and reference to the standard or rule alleged not in compliance, copy of the fining procedures, and the proposed fine. By request, they may have copies of any written supporting documents surrounding the violation that were presented to the board for their decision.

4. After expiration of the 14 days, the Fining Committee, which may be Ad Hoc or permanent, will meet, with 48 hour posted notice, to consider whether the proposed fine will be confirmed.

c. The Fining Committee will hear testimony presented by the person to be fined and/or from other witnesses. The Committee will also consider any written evidence presented at the hearing.

d. The owner/violator only gets this opportunity to be heard; a resident cannot decline to attend the noticed hearing and then later request a hearing.

e. The Fining Committee must decide by majority vote whether or not to confirm the proposed fine. This is a confirm or reject decision only. No alternative suggestions may be made. Each member's vote shall be recorded.

5. After the hearing, the Fining Committee shall communicate its decision to the BOD.

a. If the Fining Committee does not confirm the fine, the fine may not be imposed for this violation.

b. If the Fining Committee confirms the fine, the fine will be imposed and the association must provide written notice of such fine or suspension by certified mail or hand delivery to the member. Payment is due within 14 days of receipt of the notice. Additional days begin to accrue after 14 days of receipt of notice. If the notice is refused the 14 day period shall begin when the notice was initially mailed or delivered. The management company will send the letter on behalf of the BOD.

6. Fining Committee composition: Must be a committee of at least three association

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.

7. Fines or restrictions of access to common amenities that are part of those fines

are assessed against the member; fines can be assessed due to violations

perpetrated by the owner, tenant, guest or invitee of the unit.

The Rules and Procedures will be sent to all owners prior to the implementation of and/or any changes to the fining process.

## Fines

As provided in the Master Association Documents and Sec 720.305, Florida Statutes:

If a member fails to comply with any provision of the declaration, association bylaws, or reasonable rules of the association, the Board of Directors (BOD) will levy reasonable fines in accordance with the attached procedures and fining schedule below.

### Colonial Pointe Homeowners Association Fining Schedule

Used in the Above Rules and Procedures

The amount of the fine is based upon the type of violation as indicated:

<b>Violation</b>	<b>Fine</b>	<b>Cap</b>	<b>Definition (included but not limited to)</b>
Vehicle Parking	\$40 / day	\$1000	Overnight on street parking, parking on lawns for >2 hours
Boat, RV Parking	\$40 / day	\$1000	As listed in documents
Animal Nuisance	\$40 / day	\$1000	Loose animals, Excessive barking, Animal Waste
Damage to Commons	\$100/day or incident	\$1000	Actual cost of repair/replacement. Fine added if delay in payment or repeated
Safety Issues	\$100/day or incident	\$1000	Unsafe conditions or actions (speeding, reckless operation of a vehicle, etc.)
Yard Issues	\$20 / day	\$1000	As listed in documents: trash cans, loose trash, vehicles, play sets, unapproved decorations, etc.
Unightly Conditions, Minor	\$50 / day	\$1000	Mold on walks and driveways, dead or missing landscaping, etc.
Roof Cleaning, Repair	\$100 / day	\$1000	Black mold, obvious deterioration, severe staining and/or discoloration
House Clean / Paint/Cracks	\$100 / day	\$1000	Paint peeling, faded, stained, mildew, patches a different color.
Unapproved Alteration	\$100 / day	\$1000	ARC unapproved installation, modification or removal.
Disapproved Alteration	\$100 / day	\$1000	Each alteration done against docs or ARC denial.

Rentals	\$100/day & possible access denial for renter	\$1000	Rental terms not per CP Association documents or state, county, city ordinances
Reconstruction	\$100 / day	\$1000	See section 11 CP Master Declaration
Signs	\$100 / day	\$1000	See section 5.28(A), 5.34, etc. CP Master Declaration