



## **ANASTASIA LAKES HOMEOWNERS ASSOCIATION**

### **FINING PROCESS**

#### **I. Establish a Fining Appeals Committee**

The Anastasia Lakes Board of Directors (“Board”) shall appoint a Fining Appeals Committee (“FAC” or “Committee”) of at least three Owner members. Committee members cannot be officers, directors or employees of the Association or the spouse, parent, child, brother or sister of an officer, director or employee.

#### **II. Rules and Regulations and Establishing a fining schedule**

The Board will notify the owners of the fine schedule as follows: Up to \$100 for each day the violation has not been corrected after the Board has levied the fine, to be imposed after the FAC has also approved the fine. The maximum cumulative fine shall be \$1,000 per violation in accordance with Florida Statute 720.

#### **III. Notice to Owner Members**

Once a violation is identified, the Association will notify the Owner Member of the violation (First notice) and provide an opportunity to correct the violation. The notice must describe the type of violation and reference the provision in the governing documents that requires a correction. If the violation is not corrected after the timeframe specified in the First Notice, the Association will send a Second Notice with an additional time period to comply. The Second Notice will include a statement that fines will be considered by the Board if the violation is not corrected. If the violation is still not corrected the Board, at a duly noticed Board Meeting, will discuss the matter, vote to levy a fine, and decide on the per day amount of the fine. After the Board has voted the manager will contact the FAC to schedule a date and time for a hearing. The hearing must be scheduled within 30 days of the Board meeting but must also allow for the manager to send notice to the Owner at least 14 days in advance. The Notice of Hearing shall be sent by certified mail and include the following: 1. Specific nature of the violation. 2. A statement of the provision of the governing documents 3. Notify the Owner Member that the Board has levied a fine and the amount 4. Provide the date and time of the hearing 5. The notice shall also specify that should the fine be approved by the FAC, each recurrence of the alleged violation shall be deemed a separate offence subject to a separate fine. The notice shall also specify that in lieu of a hearing, the alleged violator or unit owner may respond to the notice within 14 days of its sending and acknowledge in writing that the violation occurred as alleged and has been corrected. That acknowledgement and proof that the violation has been corrected shall terminate further enforcement activity of the association with regard to the violation.

IV. Prior to the imposition of a fine, the FAC must hold the hearing where a quorum of the Committee is present. The FAC shall hear any defense to charges issued by the Board, including witnesses for the alleged violator, the owner, or the committee and shall receive evidence and written or oral arguments from the alleged violator on all issues involved or any material considered by the Committee. Any party at the hearing may be represented by counsel. The role of the FAC is limited to the determination of whether to confirm or reject the fine or suspension levied by the Board.

V. Imposition of Fine

At the hearing and if no acknowledgement of the offence and its correction is made in a timely manner the FAC shall determine whether there is sufficient evidence of a violation or violations as provided. If the FAC shall determine by a majority vote that there is sufficient evidence, it shall notify the Board and management that the fine levied by the Board has been confirmed. If the FAC determines there is insufficient evidence, it shall reject the fine and terminate the proceedings. Any decision of the FAC shall be part of the minutes of that meeting and be sent to the Board. Any fine imposed shall be assessed against the unit which the violator occupied at the time of violation, whether or not the violator is an owner of the unit and shall be due and payable within 30 days from the notice of the fine being imposed. Nothing herein shall be construed as a prohibition of or limitation of the right of the Board to pursue other means to enforce the provisions of the various association documents, including but not limited to mediation, arbitration or legal action for damages and/or injunctive relief.

VI. Fine Notice

If the FAC approved a fine it must provide written notice of such by mail or hand delivery to the Owner The fine notice shall also notify the owner /violator that failure to pay the fine within 90 days may result in suspension of the Owner Member, Member’s tenant, guest or invitee’s right to use common areas and facilities until the obligation is paid in full.

