



# *Sleepy Harbour*

Condominium Association, Inc.

408-0 Orlando Ave. • Ocoee, FL 34761

## STATEMENT OF ASSOCIATION POLICY

**SUBJECT:** Sleepy Harbour Condominium Association Violation and Fining Policy

**PURPOSE:** Establish and clarify guidelines for violation and fining policy.

### Step 1: Form the Committee:

- Board of directors must create a fining committee (also called violation/fining committee).
- Committee must be comprised of three owners.
- Members cannot be directors or spouse or family of a director.
- Committee must be named and approved at an open meeting of the board of directors.

### Step 2: Sleepy Harbour Condominium Association Violation Policy

- A. Association/management identifies the violation.
- B. Complete violation record.
- C. Send notice of violation to owner/resident via hand delivery, US mail, or certified mail.
- D. Notice must contain the following:
  1. Description of the violation,
  2. Authority in governing documents to cite the issue as a violation,
  3. A picture (optional),
  4. The required timeframe to correct the violation, and
  5. Disclosure of his/her 14-day right to be heard before the fining/grievance committee.
  6. Alert fining committee of the violation sent and schedule a hearing.
  7. Complete the violation record.
  8. Send notice of final decision to owner/resident.
  9. If fine is approved, then include fine amount in the account ledger.
  10. Send non-payment of fine, collection notice to owner.
  11. If delinquent more than 90 days and more than \$1,000, then suspend voting rights and common element use.
  12. For non-payment beyond 30 days, send legal letter of non-payment followed by small claims lawsuit.

### Step 3: Identify the Violation:

- The board of directors issues the violation and informs management and committee.
- The board of directors can delegate this step to management.
- The committee is not the responsible party to identify the violation and issue the violation notice.
- The committee must remain impartial.

### Step 4: Send a 14-Day Notice:

- Violator (owner and tenant if applicable) must be given a 14-day written notice and an opportunity for a hearing before a fine may be imposed.
- Notice must state the violation and 14-day right to be heard (their day to defend themselves and state their reason for the violation, if any).

Step 5: Coordinate Committee Hearing Date and Time with Violator:

- Document any attempts made to coordinate the hearing.
- Include who made the call, what time, whom spoken to, notes of call, etc.
- Document is key. The violator's defense may be that notice was not provided.

Step 6: At the Hearing:

- The violator will have the opportunity to present their facts and defenses to the committee.
- A decision does not have to be made at the hearing.
- After hearing all the facts, the committee decides whether the fine should be "confirmed" or "rejected".
- The fine cannot exceed \$100 per day, per violation, or \$1,000 in the aggregate.
- In the event the violator does not request to be heard or fails to appear at the hearing, the hearing should continue and decision to fine made by the committee.

Step 7: Committee Reports to the Board of Directors – "Confirm" or "Reject" Fine:

- The board of directors then imposes the fine if confirmed by the committee.

Step 8: Imposition of Fine:

- Include the fine amount in the ledger.
- Send notice to owner, by mail or hand delivery, of the amount of the fine and date due.
- The fine is due five days after the date of the committee meeting at which the fine is approved.

Step 9: Non-payment of Fine:

- Send to collection department or attorney.
- If fine is 90 days past due, proceed to suspension of voting rights and use of common elements.
- All suspensions must be approved at a properly noticed board meeting.
- Notice of suspension must be sent to owner and tenant, if any.

Step 10: Non-compliance of Violation:

- Bring an Action for Damages or injunctive relief, or both. Consult with your association attorney.

Each owner shall be furnished a copy of this policy by personal delivery, postal service, or electronic transfer.

**ADOPTED** by majority vote of the Board of Directors at their meeting held on September 9, 2021.

BY: Dayc. Broadaway  
Secretary of the Association