

Belle Oak Villas HOA Board Policies

Levy of Fines & Use Rights Suspension

General Violations

POLICY:

In accordance with section 720.305, Florida Statutes, Declaration of Covenants and Restrictions, Infraction Schedule, Rule & Regulations and The ByLaws of Belle Oak Villas Homeowners Association, Inc , this Belle Oak Villas Homeowners Assoc, Inc, Levy of Fines and Use Rights Suspension Policy for fines and/or use right restrictions other than Architectural Control was properly adopted by the Board of Directors of Belle Oak Villas Homeowners Association, Inc. on 6 / 26 / 2022 and shall govern the imposition of fines and/or use right suspensions for any non-monetary violation of the governing documents of the Association.

1. **Violation Procedure** – If any violation of Belle Oak Villas Rules & Regulations is reported to, or witnessed by, a Board Member of Belle Oak Villas Homeowners Assoc, the violation will be noted and discussed by a minimum three (3) members of the board regarding the issuing of a **Warning/Final Notice** or review for an immediate fine.
2. **Warning** – If any violation is considered to warrant action, a **Warning/Final Notice** will be given to the resident via email/delivery to property, advising details of the violation. The resident will be advised that any further reported violation will result in a fine as per Belle Oak Villas and could result in further fines for continued violations up to a maximum of \$1000.00.
3. **Fining** – If (i) the resident is found to have repeated the violation after receiving the Warning/Final Notice or (ii) the original 3-person review committee find the violation worthy of an immediate fine, a fine and/or a use right suspension may be levied by the Board at a properly noticed Board Meeting. A 2nd Notice, **14 Day Notice of Fine** will be sent via email/delivery to property stating: the nature of the violation, the amount of the fine and provide the date, at least fourteen (14) days from the date of the Notice of a meeting to be held by a Compliance Committee.
4. **Compliance Committee** – The Board shall appoint at least three (3) members of the Association to serve as members of the Compliance Committee. The Board shall appoint one of the committee members to serve as chairperson. The members of the Compliance Committee may not be the following individuals: officers, directors, or employees of the Association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. Members of the Compliance Committee serve at the pleasure of the Board, and the Board reserves the right to remove a member for any reason, including but not limited to a potential or actual conflict of interest as determined by the Board. Unless removed by the Board, the term of membership on the Compliance Committee shall be for a period of one (1) year.

5. **Hearing** – After a fine and/or use right suspension is levied by the Board, the resident shall have an opportunity to attend a meeting of the Compliance Committee (comprised of at least 3 members in accordance with section 720.305, Florida Statutes) a meeting will be held where at least a majority of the Compliance Committee are present. The Compliance Committee will vote to approve or reject the fine and/or use right suspension. All residents will be given the opportunity to discuss their violation in person with the Compliance Committee prior to the vote of the Committee.
If the Compliance Committee rejects the fine and/or suspension of use rights, the fine and/or suspension of use rights cannot be imposed. If the Compliance Committee takes any action other than approving or rejecting the fine and/or suspension of use rights, such action shall be deemed a rejection of the fine and/or suspension of use rights. The minutes of the meeting shall contain a written statement of the results of the hearing and whether the fine and/or suspension of use rights was approved or rejected.
6. **Final Decision** – In consideration of (3) and (5) The resident will be notified by mail/email/delivery to property of the final decision by way of a **Notice of Decision**. All fines will become due 5 days from the date of the Notice of Decision.
Unpaid fines/fees are subject to any and all collection fees.
7. **Continuation Of Fine** - A fine may be levied by the board for each instance of continuing violation, with a single notice and opportunity for hearing.

The Association must follow the fining and use right suspension procedures as set out in:
Section 720.305(2) of the Florida Statutes
Article VI of the Declaration
Article IX of The Declaration
Article IV 9/10 of the Declaration
Article VI section 1 (a) (b) of The ByLaws
Article XI of The Bylaws