

**PROCEDURES TO LEVY AND IMPOSE FINES OR SUSPENSIONS  
FOR VIOLATIONS OF GOVERNING DOCUMENTS**

**VINTAGE GRAND CONDOMINIUM ASSOCIATION, INC.**

**The Law**

Fining authority is governed by Section 718.303(3), Florida Statutes, and Section 18.3 of the Declaration of Condominium (Declaration), which provides that the Association may levy a fine against a unit owner for violations of the Declaration, Bylaws, or rules and regulations. (If you do not have a copy of the statute, the statute can be reviewed and downloaded from the website of the Florida Legislature: [www.leg.state.fl.us](http://www.leg.state.fl.us)).

A fine may not exceed \$100.00 per violation, provided that fine may be levied on a per-diem basis for a continuing violation. The maximum aggregate fine of \$1,000.00.

The same statute authorizes an association to suspend, for a reasonable period of time, the right of a unit owner, or a unit owner's tenant, guest, or invitee, to use common elements and facilities for the failure of the owner of the unit or its occupant, licensee, or invitee to comply with any provision of the Declaration, Bylaws, or rules and regulations. A suspension may not apply to that portion of common elements used to provide access or utility service to the unit, parking spaces, or to limited use common elements reserved for the exclusive use of the unit. (Note that suspensions may also be imposed if an owner is more than 90 days delinquent in the payment of a monetary obligation to the Association, which is different and does not require the due process hearing discussed below).

**Levy of Fine or Suspension**

The Board of Directors has the authority to levy a fine for a violation, and an additional fine for each day of a continuing violation, or to suspend use rights to common elements and facilities such as the swimming pools, tennis courts and exercise room. The levy of a fine(s) or suspension must be included as an agenda item and addressed at a board meeting for which notice is posted no less than 48 hours in advance. It is not necessary that the owners of units who have committed violations that will be reviewed at a given board meeting be notified of their violation prior to the board meeting.

**Imposition of Fine or Suspension**

After the board has determined whether to levy a fine or suspension for a documented violation, the matter is referred to an impartial Fines Hearing Committee which is appointed by the board, and which must consist of at least three (3) unit owners. Hearing Committee members may not be board members, officers, employees or the spouse, parent, child, brother, or sister of an officer, board member or employee. No fine or suspension may be imposed unless the Hearing Committee has affirmed (through a majority vote at a properly noticed and convened Hearing Committee meeting) that the Board's proposed fine or suspension action is warranted.

**Procedural Steps**

1. Each month, the Association Manager or his/her staff compiles documentation of all violations to the Association's governing documents and rules and regulations that have been called to his/her attention or which have been observed during regular patrols of the property. Prior to every open board meeting during which the board plans to review violations, all outstanding violations are compiled on a list and that list and documentation for each listed violation are furnished to board directors at least three (3) days prior to the date that the board will meet. The list and documentation identifies the nature of each

alleged violation, the date, approximate time and place where each violation occurred or was observed and a proposed fine amount or suspension action. When deciding on proposed fine amounts, Association Manager refers to a Fines Calculation Guidelines document which is reviewed, updated and approved by the board from time to time as issues arise.

2. At a properly noticed and convened open board meeting, the board reviews the list of alleged violations furnished by the Association Manager and may adjust the list to remove violations or change proposed fining or suspension actions. The Board then votes to refer a finalized list to the Fines Hearing Committee for consideration at their next scheduled meeting. After the board meeting, the Association Manager or his/her staff sends the violation information (including citations to sections of the documents violated) to each alleged violator, along with a notice of the date, time, and place that the Fines Hearing Committee will be meeting to review their alleged violation. The notice advises the alleged violator of his or her right to cross-examine witnesses, present witnesses and otherwise contest the enforcement of the fine or suspension action during the Hearing Committee meeting.
3. The next step is to mail or deliver the Notice of Hearing to all unit owners of record, according to the deeds, of all the units that were responsible for alleged violations. The notices must be hand delivered or mailed to those owners at least fourteen (14) days in advance of the hearing. Mailing may take place through regular first-class postal delivery or via email for those owners who have signed and submitted a consent form indicating that they will accept email communication from the Association in lieu of paper mail.
4. At least 48 hours prior to the Hearing Committee meeting, a notice of the meeting must be posted in the statutorily prescribed locations. All Hearing Committee meetings are open to unit owner observation and comments.
5. A quorum of the Hearing Committee must be present to convene its meeting. After the meeting has convened, the Hearing Committee will appoint a chair and conduct business. A representative of the Association will be present to explain and support the alleged violations and the amount of the levied fine or extent of the levied suspension. The unit owner, or a person designated by the unit owner to appear at the Hearing Committee meeting on the owner's behalf, will be permitted to cross-examine witnesses, ask questions, call witnesses, introduce documents, and otherwise defend the allegations. The members of the Hearing Committee may ask questions of either the Association representative, the alleged violator, the unit owner, or any of the persons who presented evidence or testified. The meeting chair will specifically ask the unit owner or the owner's representative if he or she desires to present further testimony or evidence. After the evidentiary portion of the hearing has concluded for all violations that were contested, the Hearing Committee will vote in closed session on each contested violation. The Hearing Committee, by majority vote, must decide whether it agrees or disagrees with the fine or suspension originally levied by the board in step 2 of this procedure. The Hearing Committee does not have the authority to increase or decrease a proposed fine or suspension: it only has authority to decide if the fine(s) or suspension(s) levied by the board should be imposed.
6. Fines that are affirmed during the Hearing Committee meeting and those that were levied by the Board and not contested by the responsible owner during the Hearing Committee meeting will be posted to the owners account and due for payment five (5) days after the Hearing Committee meeting. Formal notice of the levy and the due date of the fine will be communicated through a Fine Notice letter which will be delivered, mailed or emailed to the

unit owners of record as soon as possible and no later than ten (10) days after the Hearing Committee meeting.

7. If a suspension has been levied by the board and affirmed by the Hearing Committee, the terms and length of the suspension will be reduced to writing in a formal Suspension Notice letter that will be transmitted to the unit owners of record, and in cases where tenant/guest use rights are also suspended, also to those persons. Such notices will also be delivered, mailed or emailed as soon as possible and no later than ten (10) days after the Hearing Committee meeting.
8. The Association may file a small claims court action for any fines that are not paid on a timely basis. If the Association is required to take the unit owner to court to recover a fine, the Association is also entitled to recover the attorney's fees that it incurs in collecting the fine.