

ROTONDA MEADOWS/VILLAS CONSERVATION ASSOCIATION, INC.

VIOLATION & FINE POLICY

The following Violation and Fine Policy (“Policy”) shall apply to Rotonda Meadows/Villas Conversation Association, Inc. (“Association”).

1. Establishment of a Violation

- a. This policy applies to violation(s) of the Covenants and Restrictions for Rotonda Meadows/Villas (“Declaration”), Articles of Incorporation, Bylaws, Rules and Regulations and/or Guidelines of the Association (“Governing Documents”), each as amended from time to time. The Board shall determine whether there is such a violation subject to this enforcement policy.
- b. The Association may conduct routine surveys and observation of the community for violations and may investigate owner complaints when submitted with a time stamped photo of the violation. The Association may delegate its duties hereunder to its property manager.

2. Initial Notice: Upon verification of the existence of a violation by the Association:

- a. The Association shall send a courtesy letter to the owner and any current residents of the property containing at a minimum:
 - i. The description and location of the violation and the section(s) of the Governing Documents violated.
 - ii. A request to remedy the violation within **10 days** of the date of the letter and a statement that if the violation is corrected within the 10-day period, and does not reoccur in the future, no further action will be taken by the Association.

3. Second Notice: Upon verification of the continued existence of a violation(s) beyond the initial 10-day period, or if a violation(s) reoccurs within a 1-year period after previously being corrected:

- a. The Association shall send a second letter to the owners and any current residents of the property informing them they have failed to remedy the violation, and action may be taken by the Association. This letter shall state:
 - i. The description and location of the violation and the section(s) of the Governing Documents violated.
 - ii. The Board may impose a fine of up to \$100 per day per violation or a suspension of use rights pursuant to Fla. Stat. Ch. 720.
 - iii. The Association has the option to instead enter onto the property and correct the violation for which the owner will become responsible for any and all costs and fees, including administrative fees, involved in correcting the violation. The Association, its agents, and/or contractor will not be liable to the owner or any third party for any damage or costs incurred to correct the violation and may recover the same from the owner pursuant to the terms of the Declaration and applicable law.

4. Board Meeting:

- a. The Association shall endeavor to collect documentation of the violation(s) up until a subsequent Board Meeting.
- b. At the Board Meeting, the Board shall decide whether to impose a fine or suspension, enter onto the lot to correct the violation, or take no further action.
- c. If a fine is imposed, the Board shall decide the amount. Per Florida Statutes fines may be imposed up to \$100 per day per violation. The Board by a majority vote may increase the aggregate fine up to \$5000. An unpaid fine of \$1000 or more may become a lien on the property.

5. Final Notice:

- a. Upon the imposition of a fine or suspension by the Board a letter shall be sent to the owner of the property stating that a fine or suspension has been imposed and, if applicable, the amount of the fine.
- b. The letter shall inform the owner that they have the opportunity for a hearing before a committee of at least three 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 ("Hearing Committee"). The date of the hearing shall be stated in the letter and shall be at least 14 days from the date of the letter.

6. Hearing Committee:

- a. The Hearing Committee shall meet on the date provided to the owner and after hearing will determine whether to confirm or reject the fine or suspension levied by the board. The Hearing Committee does not have the ability to reduce or alter a fine or suspension.

7. Bookkeeping:

- a. If the Hearing Committee upholds a fine, the fine payment is due 5 days after the committee hearing where it was approved.
- b. Immediately following the Hearing Committee meeting, the Association shall record the charge on the owners account and notify them of the fine by mail.
- c. If a fine of \$1000 or more remains unpaid, liens will be applied in accordance with the Declaration and Governing Documents.

In the event of any conflict, inconsistency, or incongruity between the provisions of this Policy and any provisions of the Governing Documents, as amended from time to time, the provisions of the Governing Documents shall in all respects govern and control.

It is the intention of the Association that the provisions of this Policy comply in all respects with the requirements of applicable Florida and federal law ("Law") including without limitation Fla. Stat. Ch. 720 and 617, as applicable. Therefore, in the event of any conflict between the requirements of Law and this Policy, the provisions of the applicable Law shall control, and this Policy shall be deemed modified to the least extent necessary to be enforceable and in compliance with law and shall be interpreted in such a manner as to be consistent with the requirements of the Law.