

WINDSOR PARK ABACOA HOMEOWNERS ASSOCIATION, INC.

Procedure for Enforcement of Restrictions, Rules and Regulations

(Adopted by the Board on _____ and effective _____)

The Board of Directors (“Board”) for the Windsor Park Abacoa Homeowners Association, Inc. (the “Association”) hereby establishes the following Procedure for Enforcement of Restrictions, Rules and Regulations for resolution of complaints, approval of fines, suspension of rights, and other penalties for non-compliance and violations of the Declaration of Covenants, Conditions, and Restrictions, Bylaws, Articles of Incorporation, and Rules and Regulations (“Governing Documents”).

I. Complaint

A written complaint shall be submitted to the Association for any alleged violation of the governing documents reported to the Association or found by the property manager during a routine inspection of the community or other investigation. The complaint should include the name of the member, the property address, the alleged violation of the Governing Documents, and shall be signed by the complainant.

II. Board of Directors Decision to Impose Fines, Suspensions, or Other Penalties

The Board shall review the complaint and shall determine whether to impose a fine, suspension, or other penalty against the member, and if applicable, tenants or other occupants at a properly noticed Board meeting. The notice of the Board meeting shall not include the name of the member that is subject of the complaint, but shall include a general reference that penalties for non-compliant members will be discussed. At its meeting, the Board shall also determine the amount of any fine or the duration of any suspension to be imposed.

a. Remedies and Penalties:

1. Reprimand and warning letter.
2. **Fines:** Each violation shall be subject to a fine of \$100.00 per day, for each day of a continuing infraction, not to exceed \$1,000.00 in the aggregate.
3. **Suspension of Rights:** Suspension of rights to use the common areas and facilities shall be for a reasonable amount of time as determined by the Board.

b. **Written Notice:** If the Board votes to levy a fine, suspension, or other penalty, the property manager or other authorized delegate of the Board shall send via regular and certified mail, return receipt requested, at the last mailing address provided to the Association by the Owner, a written Notice of Hearing to the member and if applicable, the tenants or other occupants of a hearing to be held in front of the Compliance Committee (CC) for confirmation or rejection of the penalty to be imposed. The written notice shall include:

1. Violation and corrective action necessary to cure the violation within fourteen (14) days of the notice
2. Penalty for non-compliance levied by the Board
3. Date, time, and place for the hearing to be held in front of the CC to confirm or reject the Board's penalty for non-compliance to be held not less than fourteen (14) days from the date of the notice.

III. Compliance Committee (CC)

The Board shall establish and appoint an independent Compliance Committee (CC) consisting of at least three (3), but no more than five (5) full-time resident members, none of whom are Board Members or employees of the Association, or who are related to Board members or employees. The Committee shall designate a Chairperson from among the members of the CC.

A quorum of the CC shall consist of a majority of all members of the CC. All CC meeting shall be open to the Association membership.

No member of the CC has authority to bind the HOA to any contract or agreement, nor does any member of the CC have authority to contact the HOA's attorneys, accountants, engineers or other professionals or otherwise incur charges on behalf of the HOA without the prior written consent of the HOA Board of Directors.

a. **Duties of the CC:** The CC's sole responsibility is to decide by majority vote whether to reject or to approve the fine, suspension, and/or other penalties levied by the Board against the member, tenant, or other occupant. If the CC does not approve the proposed penalty by majority vote, it may not be imposed.

b. **Hearing:** The CC shall conduct a hearing with at least fourteen (14) days Written Notice of Hearing as provided in Section II(b) herein at the date, time, and place indicated in the Notice. The hearing shall be open to all members of the Association. Each party shall be given an opportunity to present testimony and/or other information. Florida counsel for either or both parties may be present at the hearing. The CC shall decide by majority vote of its members present after the presentation is whether to approve or to reject the fine, suspension, or other penalty imposed by the Board. The committee may deliberate outside of the presence of the membership.

c. **Exclusions:** Suspensions of common area and facilities use rights or

voting rights on account of an member's failure to pay fees, fines, or other monetary obligations to the Association (for 90 days or longer) shall be handled by the Board at a properly noticed Board meeting without the involvement of the CC or requirement for a hearing.

d. **Written Report:** Upon conclusion of the hearing, the CC shall submit minutes or a written report to the Board which shall include an approval or rejection of the fine, suspension, or any other penalty levied by the Board.

IV. Notice of Imposing Penalty

If a penalty is approved by the CC, the property manager or other authorized delegate of the Board shall provide written Notice of Imposing Penalty via regular and certified/return receipt mail to the member, and if applicable any tenants or other occupants, at the last known mailing address as provided to the Association within ten (10) days of the date of the hearing.

- a. **Written Notice of Imposing Penalty:** The Notice shall include:
1. The fine, suspension, and/or other penalty imposed
 2. The amount of the approved fine and/or duration of the suspension;
 3. If applicable, the deadline for paying any amounts due.