

# **Bonita National Homeowners Association Fining and Suspension Procedures Policy**

**August 26, 2024**

## **Purpose:**

The Bonita National Homeowners Association (BNHOA) is committed to maintaining a high standard of appearance, functionality, and regulatory compliance. The Board of Directors desires to promote the common good of BNHOA members. Enforcement decisions will be guided by our community's Governing Documents, which include the Declarations, By-Laws, rules and regulations.

The purpose of this document is to outline the procedures that the BNHOA will follow to meet these objectives. The document also serves to create a community member committee, which is authorized by law to approve fines and/or suspensions. Upon approval of this policy by the BNHOA Board of Directors, the Compliance Committee is authorized to impose fines and suspensions of community privileges.

Florida Statutes 720.305 allows HOA's to levy and impose reasonable fines and suspensions for violations of HOA governing documents by an owner, tenant, guest, or invitee. Enforcement can be levied against the member (and/or the member's tenant, guest or invitee) for the actions of the member or member's tenant, guest or invitee. The use of the term "member" in this document will refer to the member and the member's tenant, guest or invitee. However, in all cases, any fines or suspensions shall be the responsibility of the homeowner.

## **Enforcement:**

The BNHOA is committed to resolving issues while maintaining positive relationships with all community members, transfer members and guests. To foster clear understanding of the rules, we are committed to supporting education of, and access to, the Bonita National governing documents.

Enforcement may include fines or suspension of community privileges as permitted under law and the Declaration for violations of the association governing documents.

The Community Association Manager (CAM) will facilitate the enforcement procedures. The CAM is responsible for collection of information, primary

communication with residents, the scheduling of hearings and the recommendation of fines and/or suspensions.

The BNHOA Board of Directors is responsible for levying the fines and/or suspensions. The Compliance Committee responsibilities are to either confirm or reject the fines and/or suspensions levied by the BNHOA Board.

### **Fining and Suspension Procedure:**

1. Any member or employee of the Association may report a violation of HOA governing documents to the Community Association Manager (CAM). Any violations observed by members must be submitted in writing to the Association.
2. The CAM may choose to initially contact the member (who is in violation) verbally or informally.
3. The CAM may contact the member either verbally or in writing. Verbal communication will be followed up with a written explanation of the issues and potential remedies.
4. All members are encouraged to work with the CAM to achieve compliance on a voluntary basis.
5. When voluntary measures to remedy the infractions are unsuccessful, the CAM will present these efforts along with recommended fines and/or suspensions to the BNHOA Board.
6. After review at a duly noticed meeting, the HOA Board may authorize the CAM to proceed with service of Notice to the member detailing the intent to impose fines and/or suspensions of community privileges.
7. The Notice will be sent via email, certified mail and first-class mail and will include a date, time and location for a Hearing. The hearing must be set for no earlier than twenty (20) days from the mailing of Notice.
8. The hearing will be conducted by the Hearing Committee, which consists of three Compliance Committee members. Hearing Committee members can't be officers, directors or employees of the HOA, nor the spouse, parent, child, brother or sister of an officer, director or employee. The initial Compliance Committee members are listed in Attachment 1.
9. Pending the outcome of the hearing, it will be the responsibility of the Hearing Committee to impose or reject the fines and/or suspensions levied by the BNHOA Board at a duly noticed meeting. Any fines or suspensions will be imposed at the close of the hearing unless otherwise specified.
10. The CAM will issue a written notification to the member of the fines and/or suspension of privileges, if imposed, within seven (7) days after the hearing.

The CAM will also notify all necessary management team members of the appropriate actions to be taken. Any imposed fines will be treated as an assessment per the Declaration and shall be due and payable at least thirty (30) days after delivery of the written notice of the imposition of the fine. The fine amount will be member charged on the due date given to the member.

11. All imposed fines and/or suspensions of privileges will be reported to the BNHOA Board of Directors by the Compliance Chair and/or the CAM.
12. The Association has the right to pursue all other legally available options in addition to fines and/or suspensions.

### **Amount of The Fine/Length of Suspension:**

As per our Governing Documents, Florida Statutes section 720.305 allows for fines of up to \$500.00 per violation and \$500.00 per day in the case of a continuing violation. Continuing fines may run to a maximum amount of \$5,000.00. The amount of the fine and length of the suspension will consider the severity and circumstances surrounding the violation and the owner's history of past or repeated violations.

### **Hearings:**

A Hearing must be held, within ninety (90) days after issuance of notice, to consider the imposition of any fines and/or suspension of privileges. The committee may hold the hearing by telephone or other electronic means. The CAM will set a date and time for the hearing not less than twenty (20) days from the date of notice. Notification of the hearing will be included in the Notice of intent to levy a fine and/or suspension. Owners have the right to attend the hearing in person or via telephone or other electronic means. Owners may be accompanied by legal counsel, if desired, but are required to notify the CAM of all attendees no later than five (5) business days prior to the hearing.

### **Conflicts of Interest:**

No committee member will participate in a hearing that directly affects the committee member's (or a family member's) personal interest or grievances. Alternative committee members will be appointed in the event of a potential or