

Sorrento Condominium Association Inc. Violation and Enforcement Policy and Procedures

- Overview and Legal Background. Sorrento is a Florida Condominium Association. Florida Statutes and Sorrento's governing documents contain rules and covenants regulating conduct within the community. The Board of Directors (BOD) is responsible for good faith, uniform enforcement of these rules and covenants. The BOD will deal with alleged violations on the agenda at noticed open meetings.
- Reasonable fines and/or suspensions of privileges may be recommended for levy by the BOD, imposed by the Compliance Committee and collected as provided in Florida Statute 718.303(3) and Sorrento By-Laws Article 8 which provide in relevant part:
- The Association may levy reasonable fines for the failure of the owner of the unit or its occupant, licensee, or invitee to comply with any provision of the Declaration, the Association Bylaws, or reasonable rules of the Association. A fine may not become a lien against a unit. A fine may be recommended for levy by the BOD to the Compliance Committee based on each day of a continuing violation, with a single notice and opportunity for hearing before the Committee as provided in paragraph (b). However, the fine may not exceed \$100 per violation, or \$1,000 in the aggregate.
- The Association may suspend for a reasonable period, the right of a unit owner or a unit owner's tenant, guest, or invitee, to use the common elements, facilities, or any other Association property for failure to comply with any provision of the Declaration, the Association Bylaws, or reasonable rules of the Association. This paragraph does not apply to limited common elements needed to access the unit, utility services provided to the unit, parking spaces or elevators.
- (b) A fine or suspension recommended for levy by the BOD may not be imposed unless the Board first provided at least 14 days' written notice to the unit owner and, if applicable, any occupant, licensee, or invitee of the unit owner sought to be fined or suspended, an opportunity for a hearing before the Compliance Committee, consisting of at least three members appointed by the board who are not officers, directors or employees of the association, the spouse, parent, child, brother or sister of any officer, director or employee. The role of the Compliance Committee is limited to determining whether to confirm or reject the fine or suspension recommended for levy by the BOD. If the Compliance Committee does not approve the proposed fine or suspension by majority vote, the fine or suspension may not be imposed. If the proposed fine or suspension is approved by the Compliance Committee, the fine payment is due 5 days after the date of the Compliance Committee meeting at which the fine is approved. The Association must provide written notice of such fine or suspension by mail or hand delivery to the unit owner and, if applicable, to any tenant, licensee, or invitee of the unit owner.
- Bylaws Article 8 provides that the Compliance Committee hearing notice shall include a statement of the date, time and place of the hearing, a statement of the provisions of the Condominium Documents which have allegedly been violated and a short and plain statement of the matters asserted by the BOD.
- The Bylaws further provide that the party against whom the fine or suspension may be imposed

Sorrento Condominium Association Inc.
Violation and Enforcement Policy and Procedures

shall have a reasonable opportunity to respond, to present evidence argument, and to provide written and oral argument on all issues involved, and shall have an opportunity at the hearing to review, challenge, and respond to any material considered by the Compliance Committee. The Owner shall be the party ultimately responsible for payment of a fine, regardless of whether the fine relates to conduct by a tenant, family member, invitee or guest.

- For non-payment of fines, the Association shall have all of the remedies allowed by law and shall be entitled to recover attorney's fees, costs and pre and post-judgment interest in the amount of 18% calculated from the due date in any action for collection of such fines.
- **IMPORTANT:** The BOD may levy (that is, recommend) fines and/or, privilege suspensions, but these penalties are not imposed (that is, finalized) unless and until approved by the Compliance Committee

WHAT SHOULD INDIVIDUALS DO?

- If you observe possible violations of Florida law and/or Sorrento's governing documents, promptly report the matter in detail to the Community Association Manager (CAM). If the CAM cannot be reached, report the matter to a BOD member. If your common sense compels you to intervene when a violation is clearly being committed, please act calmly and speak politely. Do not be confrontational, back off immediately if you sense possible escalation.

WHAT HAPPENS NEXT?

- The CAM will investigate to confirm, and document personally observed and reported violations.
- Any notifications, as described below, will be completed by the CAM.
- The required Compliance Committee Hearing letter may be hand delivered or mailed by first class mail to the unit owner(s) at their registered address and, if applicable, to any tenant, licensee or invitee of the unit owner at the address of the unit.
- The BOD shall provide the Compliance Committee with a copy of the Hearing letter and evidence supporting its decision to levy the penalty.
- The owner will be notified of the Compliance Committee meeting and be given the opportunity to present any argument against the imposition of the proposed fine.
- The Compliance Committee will either uphold or veto the Board's decision.

THERE ARE FOUR CATEGORIES OF VIOLATIONS:

- 1) **Health and Safety Violations:** examples include but are not limited to;
 - a) failure to pick up dog waste;
 - b) food in the swimming pool;
 - c) jumping from the waterfall;
 - d) bringing glass containers into the amenities area.

This type of violation is handled on a one time "zero tolerance, no warning" basis. This means the BOD may recommend the levy of a fine and/or privilege suspension against the owner and, if applicable, the responsible individual(s) after receiving credible evidence of a health/safety violation. Any costs to remedy the Health and Safety Violation will be assessed to the responsible unit owner. This expense assessment is not a fine and therefore does not require the Compliance Committee's review.

**Sorrento Condominium Association Inc. Violation and
Enforcement Policy and Procedures**

2) **Parking Violations:** Illegally parked vehicles will have a notice placed under the windshield wiper of the offending vehicle detailing the violation. Examples include but are not limited to:

- a) parking a vehicle overnight in the amenities parking lot
- b) parking a vehicle with a RFID decal in Guest Parking
- c) parking a vehicle on any grass area

This means the BOD may recommend the levy of a fine or fines and/or privilege suspension against the owner of the unit associated with the vehicle and/or the vehicle owner after receiving a copy of the violation letter and a status report from the CAM. Each day a vehicle is illegally parked is a separate violation. Therefore, the owner of a vehicle illegally parked overnight faces a maximum of two \$100 fines. Any costs to repair damages incurred by a Parking Violation will be assessed to the responsible unit owner. This expense assessment is not a fine and therefore does not require the compliance committee's review. The BOD also has the power to order towing of illegally parked vehicles at the owner's expense.

3) **Single Warning Violations:** Examples include but are not limited to;

- a) Pets on property not registered or brought into the community by a guest
- b) Tenants residing overnight or longer, and no documentation submitted.
- c) Installing surveillance camera on the exterior of the building

This type of violation is handled on a "single warning" basis. A single notice will be issued to the responsible unit owner allowing a specified period of time to correct the violation. After that date, a fine may be levied on each subsequent day of the continuing violation. This fine may not exceed \$100 per violation or \$1,000 in the aggregate. This means the BOD may recommend the levy of a daily fine and/or privilege suspension against the owner and, if applicable, the responsible individual(s) after receiving credible evidence of a violation requiring immediate attention.

4) **Violations that can be Rectified Immediately:** Examples include, but are not limited to:

- a) Leaving trash or recycle can outside beyond the deadline
- b) Posting signs visible in the front window
- c) Items left outside your unit over a 24-hour period, such as miscellaneous trash etc.

These violations are normally best resolved by the responsible party voluntarily correcting or not repeating the violation. Therefore, the CAM shall give the owner and, if applicable, the responsible individual(s) such warnings and/or notices, verbal, written and/or electronic, as the CAM deems appropriate and necessary in each situation. The CAM shall advise the BOD of amicably resolved violations. If the violation is not amicably resolved, the CAM shall give the BOD credible evidence of the violation and a report of the CAM's interaction with the responsible party. This means the BOD may recommend the levy of a fine and/or privilege suspension against the owner and, if applicable, the responsible individual(s), for this type of violation if it is not amicably resolved.