

ISSUE #1

Board may impose special assessments against the Land or Unit owned by the violator(s). ~~as follows:~~ The Board may impose a fine not to exceed \$100 per violation against any member or any member's tenant, guest, or invitee. A fine may be levied by the board for each day of a continuing violation, with a single notice and opportunity hearing, except that the fine may not exceed \$1,000 in the aggregate unless a higher amount is permitted pursuant to Florida Statute, as may be amended from time to time.

~~(1) First non-compliance or violation: a fine not in excess of One Hundred Dollars (\$100).~~

~~(2) Second non-compliance or violation: a fine not in excess of Five Hundred Dollars (\$500).~~

~~(3) Third and subsequent non-compliance or violation or violations of continuing nature: a fine not in excess of One Thousand Dollars (\$1,000).~~

D. Payment of Fines. Fines shall be paid not later than five (5) days after notice of the imposition or assessment of the penalties.

E. Collection of Fines. Fines shall be treated as a special individual assessments subject to the provisions for the collection of assessments as set forth herein.

F. Cumulative Remedies. These fines shall not be exclusive and shall exist in addition to all other rights and remedies to which the Village Association may be otherwise legally entitled; however, any fine paid by the offending Owner shall be deducted from or offset against any damages which the Village Association may otherwise be entitled to recover by law from such Owner.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. C (p. 5): Fining provision permits the Board to impose a fine without majority approval of an independent 3-member fining committee free of officers, directors, employees, and their immediate relatives.

Statutory / Legal Reference: Fla. Stat. § 720.305(2)(b)
Statutory Comparison: Under Fla. Stat. § 720.305(2)(b), a fine or suspension levied by the board of administration/directors may not be imposed unless the owner is provided at least 14 days' written notice and an opportunity for a hearing before an independent committee of at least three (3) 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. If the committee does not approve the proposed fine or suspension by a majority vote, it may not be imposed.

CURRENT WORDING IN DOCUMENT:
Amounts of Fines. Upon a finding of non-compliance, the Board may impose special assessments against the Land or Unit owned by the violator(s); as follows: The Board may impose a fine not to exceed \$100 per violation against any member or any member's tenant, guest, or invitee. A fine may be levied by the board for each day of a continuing violation, with a single notice and opportunity hearing, except that the fine may not exceed \$1,000 in the aggregate unless a higher. amount is permitted pursuant to Florida Statute, as may be amend

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Pursuant to Fla. Stat. § 720.305(2)(b), no fine or suspension levied by the Board may be imposed unless approved by a majority vote of an independent fining committee of at least three (3) members appointed by the Board who are not officers, directors, or employees of the Association, nor the spouse, parent, child, brother, or sister of an officer, director, or employee, following at least fourteen (14) days' written notice of the hearing.