

Policy No. 900: VIOLATION HEARING PANEL - VIOLATION FINE

Date Approved: December 19, 2023

SCOPE

To provide guidelines for Cape Royal community home/lot owners, renters or guest or both (Resident) to appear before a violation hearing panel to dispute violation fine(s) levied by the Cape Royal Homeowners Association for violations of the Governing Documents and Rules and Regulations.

POLICY

The Cape Royal Homeowners Association Board will be the governing body to establish and regulate Fines and/or suspensions against Members. Members are responsible for ensuring their tenants, guests, or family members are aware of the provisions of the Governing Documents and other applicable rules and regulations; members shall be responsible for the conduct of their tenants, guests, or family members, who violate any of those enactments and shall not condone such violations by their tenants, guests, or family members.

GUIDELINES

Responsibility – Board of Directors (HOA Board)

1. Each Board Member will select one (1) permanent homeowner within the community to volunteer to serve on the panel for a one (1) year appointment. These individuals will be confirmed by the new Board at the March Board Meeting or the first Board Meeting after the General Election and the term will expire the day prior to the March Board Meeting or the first Board Meeting after the General Election. The Hearing Panel will have three (3) names randomly drawn along with one (1) alternate member to be empaneled for the hearing. Each member will need to advise if they have a conflict or potential conflict of interest in the case. If a conflict exists then that member will be excused from the hearing and another name will be drawn from the remaining members. Panel Member may not be serving as Directors or Officers, member of the Covenants committee, employees of the Association, or be the spouse, parent, child, brother or sister of an Officer, Director or employee.
2. To set the monetary fine and violation stages for each occurrence or approve entry onto the property Amended and Restated Declaration of Covenants, Conditions and Restrictions Royal-Tee Homeowners Association, Inc. as originally

recorded at Instrument No. 2015000052751, and as may have been subsequently amended, in the Public Records of Lee County, Florida.

3. Fines shall be in amounts deemed necessary by the Board to deter future violations, but in no event shall exceed the maximum amount allowed by law. The fine for a continuing violation shall not exceed amounts \$100 per day for each day the violation continues but not to exceed \$2,500.

Responsibility – Covenants Committee

1. To prepare a right to dispute the violation notice to the resident by mailing a letter for which delivery can be tracked and proven detailing the following:

a) The hearing date, time, and location not less than fourteen (14) days from notification.

b) The specific violation; the provision of Florida Statute 720, the Associations Governing Documents or the rules violation alleged to have happened.

c) Abbreviated statement of facts giving rise to the alleged violation.

d) The total Violation Fine; action under Article 7 referenced above; and /or possible suspension of Common Areas or facilities rights.

VIOLATION FINE

Responsibility – Finance Committee

1. Upon the Hearing Panel's notification to the Finance Committee that the resident's appeal has been denied, the Finance Committee will instruct the HOA bookkeeper to begin tracking the number of days from the hearing date the resident is in violation.

NOTE: The HOA bookkeeper will then at each month ending process and mail to the resident an invoice to the number of days and the Violation Fine amount through each month ending - Violation Fine as defined above Responsibility – Board of Directors (HOA Board)

2. Thereafter, each month ending, the HOA bookkeeper will issue a Violation Fine invoice until notified by the Covenants Committee that the Residents' violation has been resolved.

3. The aggregate Violation Fine against the original Resident violation will not exceed \$2,500.00 (not including interest earned as designated by Law, on each past-due Violation Fine).

4. If the resident fails to resolve the violation and the violation fine has reached the maximum amount allowed under the Florida Statute, \$2,500.00, the Finance

Committee will than proceed to collect the violation fine (Policy #101 – Accounts Receivable Collection).

APPROVED 12-19-2023