

## **Condo Association Fining Committee Guidelines**

### **Purpose of the Fining Committee**

The Fining Committee is responsible for reviewing violations of the condominium association's governing documents and determining appropriate fines for non-compliance. The committee serves as an impartial body to ensure that all residents adhere to the rules and regulations of the association while maintaining fairness and due process.

### **Committee Responsibilities**

#### **1. Review Violations**

- Assess violations of the association's governing documents, including the Declaration, Bylaws, Rules & Regulations, and other adopted policies.
- Ensure all alleged violations are properly documented before taking any action.

#### **2. Provide Due Process**

- Offer the alleged violator an opportunity to be heard before the committee.
- Ensure that all meetings are conducted in accordance with Florida law and the association's governing documents.

#### **3. Determine and Approve Fines**

- Review and vote on proposed fines for violations presented by the Board of Directors.
- Ensure that fines comply with state laws and the association's governing documents.

#### **4. Maintain Records**

- Keep records of all hearings, decisions, and notices related to fines.
- Submit decisions to the Board for enforcement.

### **Fining Process**

#### **1. Violation Notification**

- The Board of Directors or management sends a written violation notice to the unit owner outlining the issue, the rule violated, and the potential fine.
- The notice must include a date and time for the hearing before the Fining Committee, allowing at least 14 days' notice as required by Florida law.

#### **2. Hearing Procedure**

- The committee holds a meeting to hear the alleged violator's response to the violation.
- The unit owner has the right to present evidence, provide an explanation, or dispute the claim.
- The committee deliberates and decides whether to approve or reject the proposed fine.

#### **3. Fine Determination**

- If the committee upholds the fine, the unit owner is notified in writing of the decision and the timeframe for payment.
- If the committee rejects the fine, no further action is taken.

#### **4. Fine Collection**

- The Board of Directors enforces collection of the fine as per the association's policies.

- If unpaid, the fine may be subject to further action, such as liens, as allowed under Florida law.

### **Fine Limits & Legal Considerations**

- Florida law limits fines to \$100 per violation per day, with a maximum total of \$1,000 per violation unless otherwise stated in the governing documents.
- Fines must be imposed only after proper notification and an opportunity for a hearing.
- The Fining Committee must consist of impartial unit owners who are not Board members or relatives of Board members.
- All decisions must be documented and reported to the Board for enforcement.

### **Best Practices for the Committee**

- **Remain Neutral:** Ensure fair and unbiased decisions based on facts and governing documents.
- **Follow Procedures:** Adhere to the proper notification and hearing process for each case.
- **Document Everything:** Keep written records of all hearings, decisions, and communications.
- **Stay Updated:** Regularly review governing documents and Florida laws to ensure compliance.