

**CYPRESS STRAND CONDOMINIUM ASSOCIATION POLICY  
FOR THE PROCESSING OF VIOLATIONS  
AND PROCEDURES FOR ENFORCEMENT  
SEPTEMBER 2019**

*Whereas, Chapter 718, Florida Statutes and the Cypress Strand Condominium Association Governing Documents allow administrative actions for noncompliance with the Declaration of Condominium and the Rules and Regulations, and*

*Whereas, the Board of Directors has determined that it is in the best interest of the Association to adopt a uniform standard in the processing of violations, fines and suspensions,*

*Now therefore, the Board of Directors hereby establishes the Cypress Strand Condominium Association Policy for the Processing of Violations and Procedures for Fining.*

**PURPOSE:** This policy outlines procedures to follow in the event of a violation of our Governing Documents. It also establishes an appeal process for violators and provides a schedule of fines that may be used for guidance in determining the amount of fine for a particular violation. Landlords are to provide copies of this policy to their tenants or other occupants of their unit.

**BACKGROUND:** The Association is responsible for enforcing Declaration restrictions and Board adopted rules and regulations and may do so through legal action, if necessary, in order to protect the common grounds from misuse, prevent damage to Units and the Common Elements, and maintain safety and harmony within the community. Complaints or notifications of violations may come from a number of sources and should be addressed to the Board of Directors or Association Manager. It is up to the Board of Directors and/or Association Manager to reasonably verify any alleged violation before proceeding with this policy. Governing Documents allow the Association to proceed with a fine and/or suspension against an owner or their legal tenant, relative, guest or invitee who is occupying the condominium unit. Generally, the Association will hold owners responsible for their tenants or other occupants of their units. The Cypress Strand Table of Fines included in this document is a guidance for establishing fines to be assessed for a violation.

**LEGAL REQUIREMENTS:** Unit owners, tenants, guests and any other occupants or guests and invitees of units in Cypress Strand Condominiums are accountable for any violation of the Association's Governing Documents. If the Association is required to make any expenditures for repair or replacement of any items of the common elements or limited common elements as a result of a violation, then the Association will be reimbursed for the expenditures regardless of the fines imposed. A fine may be levied by the Board of Directors on the basis of each day of a continuing violation, with a single notice and opportunity for hearing before the Compliance Committee. A single fine may not exceed \$100 per violation, or \$1,000 in the aggregate for a continuing violation. The Association Board of Directors may also suspend, for a reasonable period of time, the right of an owner, owner's tenant, guest, or invitee, of a unit to use the common elements, common facilities, or any other Association property for failure to comply with any provision of our Governing Documents. A fine or suspension levied by the Board of Directors will not be imposed unless the Board of Directors first provides at least 14 working days' written notice to the unit owner and, if applicable, any non-owner occupant, licensee, or invitee of the owner sought to be fined or suspended, with an opportunity for a hearing before the Compliance Committee. Once a notice of fine is issued by the Association Manager and approved by the Board of Directors, the fine is considered to be "assessed" by the association. It does not matter if the notice of fine is issued as an initial response or after warning notices have been ignored. A fine may not become a lien against a unit in our Association.

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**DEFINITIONS:** The following definitions apply for purposes of this policy:

1. **VIOLATION:** Any act or occurrence that knowingly or unknowingly does not comply with the Association Governing Documents.
2. **VIOLATOR:** A legal owner or a non-owner resident who can be a tenant, guest, relative or invitee occupying the condominium unit and alleged to have responsibility for the violation. For this policy, a violator is "alleged" until found responsible for the violation by the Compliance Committee.
3. **COMPLIANCE COMMITTEE:** A Committee appointed by the Board of Directors that meets to determine whether to confirm or reject a fine or suspension levied by the Board.
4. **NON-OWNER OCCUPANT:** A legal tenant, relative, guest or invitee of the owner who is occupying or visiting the condominium unit.
5. **MANAGER:** The Association Manager of the Cypress Strand.
6. **BOARD:** The Association Board of Directors.
7. **GOVERNING DOCUMENTS:** Documents that are legal authority over the conduct of Association business to include: Florida Statute Chapter 718; Cypress Strand Declaration of Condominium, By Laws and Articles of Incorporation; Association Rules and Regulations, TARA Master Association Rules and Regulations as applicable, and local county and state regulations as applicable.
8. **FINE LEVIED:** Fine is levied on the violator by the Board of Directors and due process begins with notice and an opportunity of a hearing before the Compliance Committee.
9. **FINE IMPOSED:** The fine is approved by the Compliance Committee and then applied against the violator's account.



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**PROCEDURES:** The procedures for handling violations start with the receipt of a notification or complaint by the Board or Manager.

1. **Complaints:** Violation complaints should be addressed to the Board or Manager, should be in writing and should contain the following:
  - a. The name, address and phone number of the complaining witness.
  - b. The name, Unit number or address of the Unit where the alleged violator resides.
  - c. Specific details or description of the violation, including the date, time and location where the violation occurred.

So long as the Board and/or Manager is able to reasonably verify that a violation has occurred, a violations complaint may be pursued and shall not be deemed invalid even if it fails to contain all of the information suggested in Paragraphs 1.a.-c. above.

2. **Verification:** When a complaint or notification of a violation is received by the Board or Manager, it will first be reasonably verified. Verification is the primary means in which the Board/Manager decides how to proceed. When verifying a violation complaint, the Board/Manager will attempt to find out if: (1) the violation truly exists; (2) the violator is aware of the violation; and (3) the violator intends to take or has taken immediate action to correct it. This verification may be achieved through conversations with the violator or others, visual inspection or documentation. If the Board, Association President or Manager believes that the violation may continue without correction the procedures listed herein are normally followed. However, in the event the alleged violation is not the first violation by the unit owner or Non-Owner occupant, the alleged violator has stated an intent not to remedy the violation, or in the event the violation is such that property damages, personal injury or other serious, immediate or irreparable consequences may occur by delay, the Board of Directors, Association President, or the Manager and one (1) Director may simply elect to forward the matter to the Association attorney for appropriate legal action, in addition to or in lieu of a fine and/or a suspension. This election may occur at any time. Violations referred to the Association attorney need not comply with the notice requirements provided in this policy unless the Association is also seeking the imposition of fines and/or suspensions. In that instance, the notice requirements of this policy only apply to the proposed fines and/or suspensions and not to action taken by the Association attorney. It should be noted that fining is one of the least desirable actions by the Board but may be necessary to effect compliance and should be accomplished in a fair and consistent manner. Any action by the Board to impose a fine and/or suspension of privileges will provide the violator the opportunity for a hearing before imposed.

3. **First Notice of Violation:** Upon reasonable verification of the existence of a violation and decision by the Board or Manager to proceed with enforcement with the involvement of the Association attorney, the Manager will send the owner written notice of the violation and an allotted time period to correct the violation (depending on the nature of the violation). This notice will normally be offered as a friendly advisory in nature but to formally bring the violation to the attention of the alleged violator and give the violator a reasonable period of time to correct it. It will be in writing with a record copy for the Manager. The first notice will advise the violator of the following:
  - a. A reasonable description of the nature, description and location of the alleged violation. When possible, the notice shall attempt to include dates and/or times of the alleged violation.
  - b. The reference to the association document and paragraph that has allegedly been violated.
  - c. A request to correct the violation and time required to complete it (usually 10 days).
  - d. Any costs incurred by the association requiring reimbursement (if appropriate).
  - e. Possible consequences if not corrected (if appropriate).



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- f. To contact the Manager, in writing, within one (1) working week if there are any questions. As an alternative to a friendly warning letter, the Board may elect to proceed directly to the Second Notice of Violation below and assess a fine, suspension or other consequence after reviewing the attitude of the violator, severity of the violation, urgency for corrective action and other associated factors. (Most common fines are those that accrue on a daily basis for ongoing violations and which provide more incentive for violations to be corrected).
4. **Second Notice of Violation:** If, after an allotted time to correct the violation still exists after the issuance of the First Notice of Violation or if an election has been made to forego the First Notice of Violation as provided above, the Manager upon Board approval will send the violator a Second Notice of Violation by Certified Return Receipt mail, signature required, containing:
- a. A reasonable description of the nature, description and location of the alleged violation. When possible, the notice shall attempt to include dates and/or times of the alleged violation.
  - b. The reference to the association Governing Documents violated and reference to the First Notice letter, if applicable.
  - c. A request to correct the violation within fourteen (14) working days.
  - d. State that the alleged violations have been referred to the Compliance Committee for the imposition of the fine/suspension levied by the Board (include the start date and amount of daily fines approved and/or include the starting and end date of suspension).
  - e. State the date, time and location of the Compliance Committee hearing and indicate that the alleged violator will have the opportunity to dispute the violation, including the right to present evidence and witnesses, ask questions, and otherwise present a case regarding why the fine should not be confirmed by the Compliance Committee.
  - f. That if the Compliance Committee finds that a violation did occur, the Board levied fine and/or suspension will be imposed and that according to state law, the fine payment is due within five (5) days after the date of the Compliance Committee hearing.
  - g. To contact the Manager in writing within seven (7) working days if the violator has any questions or seeks clarification.
5. **Notice of Fine Imposition:** If the Compliance Committee confirms and approves the fine and as provided by law, the Association shall issue 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 stating the following:
- a. The nature and description of the violation and the failure of the violator to correct the violation, as requested.
  - b. Notice that the violation and lack of correction has caused a monetary penalty to be assessed to the violator and that all related costs, plus the monetary penalty, will be subject to any and all available collection efforts beginning no earlier than 14 working days from the post mark of this notice.
  - c. The initial monetary penalty or continuous monetary penalties to be assessed at prescribed intervals against the violator if the violation continues.

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**CYPRESS STRAND TABLE OF FINES**

**This is a guidance document for management to use in assessing fines. Generally, a single occurrence would warrant a single fine whereas an ongoing violation would require a daily fine up to the maximum.**

<b>NATURE OF VIOLATION</b>	<b>Single</b>	<b>Daily Uncorrected</b>	<b>Maximum</b>
Sales and Lease Approval	\$50	\$50	\$350
Ownership Restrictions	\$75	\$75	\$1000
Occupancy	\$100	\$100	\$1000
Lakes and Ponds	\$50	\$50	\$300
Lawn Ornaments	\$25	\$25	\$300
Seasonal Holiday Decorations	\$25	\$25	\$200
Flower Pots	\$25	\$25	\$150
Screen and Storm Doors	\$50	\$50	\$500
Satellite Dish	\$50	\$50	\$300
Lanais	\$25	\$25	\$200
Hoses and Yard storage	\$25	\$25	\$100
Exterior Lighting	\$25	\$25	\$100
Garage Doors	\$25	\$25	\$100
Outdoor Grills	\$50	\$50	\$300
Vehicle use and parking	\$50	\$50	\$500
Pets	\$75	\$100	\$1000
Trash Management	\$25	\$50	\$200
Front Entrances and Steps	\$25	\$25	\$300
Windows, Doors and Buildings	\$50	\$50	\$300
Common / Restricted Access Areas	\$50	\$50	\$300
Right of Access	\$75	\$75	\$600
Displaying the United States Flag	\$25	\$25	\$100
Pool Area Use	\$50	\$50	\$200
Tennis Court Use	\$50	\$50	\$200
Clubhouse Use	\$50	\$50	\$250
Architectural Review	\$75	\$75	\$300
Failure to Mount/Remove Hurricane Shutters During/After Warnings	\$100	\$100	\$1000



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**IMPOSITION OF FINES:** A fine, confirmed by the Compliance Committee or if no hearing was requested, shall be presented to the Board at the next duly noticed Board of Directors meeting and upon motion, the Board will formally impose the fine. If a fine is approved and set, the Manager shall provide written notice to the violator regarding the amount of the fine and the due date using the appropriate Notices described earlier.

- a. **Legal Action.** Fines shall be paid, and the violation must be corrected no later than 10 working days after written notice of the imposition of a fine using the appropriate Notice. If the imposed fine is not paid or the violation is not corrected within the compliance time directed, the Board may turn the file over to legal counsel for formal legal action. Costs of legal expenses and other expenses to lessen or correct the violation will be applied to the violator's account. The Association may take any legal means to collect fines including suspension of privileges and voting rights. However, the Association may not convert fines into liens.
- b. **Board Discretion.** Nothing in this policy shall be construed to require the Board of Directors or Association Manager to initiate fining or other enforcement proceedings against a violator. The Board of Directors has the authority to determine the most effective enforcement approach on a case-by-case basis. Deviation from this policy shall not restrict or nullify the Association's ability to seek legal action to enforce its documents. Failure to pursue enforcement or fining procedures in one instance shall not be deemed to be a waiver of the Board of Directors' ability to pursue legal action in other cases. The Board of Directors can determine that the most effective approach to ensure compliance is the filing of a lawsuit, instead of or in addition to fining. This decision is solely within the discretion of the Board of Directors. Consideration may be given regarding the severity and frequency of the violation in determining the appropriate level of enforcement action to be taken against violators of the Association's governing documents.

**RECORDS:** The Manager shall maintain accounting of all violation actions by violator name and address and report the status, with confidentiality, of active violations at each regularly scheduled Board meeting. A member of the Board shall maintain a duplicate of the violation accounting.

Dated this 21 day of August 2019  
Cypress Strand Condominium Association, Inc.

*Negor Wingler* as Secretary