

PALM CLUB HOMEOWNERS ASSOCIATION
FINE PROCEDURE

1. Notice of Violation must be given to each person upon whom a fine may be sought to be levied providing an opportunity for that/those persons to cure the violation. The Association must be consistent in its enforcement of violations. What is done for one should be done for all.
2. In the event an owner, tenant, guest, or invitee (or any or all of them) fails to cure the violation after notice, they must be given at least 14 days advance notice of a meeting at which the Grievance Committee will meet to provide an opportunity for the violator and or unit owner to respond to the charge of violation.
3. The Grievance Committee must be composed of at least three members (must be owners) who are appointed by the Board (and who shall not be officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee).
4. The notice should contain the following:
 - A. A description of the date, time and place of occurrence of the violation (and the dates, times and places of any subsequent or continuing violation).
 - B. A description of the act or omission which caused the violation.
 - C. The date, time and place of the meeting at which the Grievance Committee will consider imposing a fine for the violation.
 - D. It should also notify a violator (or owner) that they should come to the meeting with any evidence of compliance, or, if the violation is disputed, with witnesses so that they will have a reasonable opportunity to have their side of the story told.
 - E. That at that meeting the Grievance Committee will consider whether or not it will recommend to the Board of Directors a fine be imposed and the amount of the recommended fine, if any.
5. A form letter may be devised to cover many of the above issues (except for the time date and place and specific nature of the violation(s)). The current Florida Statutes limit fines to \$100.00 per violation, a continuing violation can be levied on a per day basis for an aggregate total not to exceed \$1,000.00, based on a single Notice for continuing violations. If the Board wants to develop some guidelines regarding typical fines for typical violations, they may want to do so to provide guidance to the Grievance Committee. The statute is clear that fines can not be imposed for failure to pay assessments, and that fines can not become liens against an owner's property.
6. The Grievance Committee must meet at the appointed time stated in the Notice of Meeting. Any proposed fine must be approved by a majority of the three members before it can be levied. If not approved by a majority, a fine can not be levied.
7. The results of the Grievance Committee deliberations must be provided to the Board who must:
 - (i) Meet, at a duly called Board meeting, to discuss the proposed fine,
 - (ii) Provide advance notice of the meeting to the violator and/or owner, and
 - (iii) Approve or disapprove the fine recommendation of the Grievance Committee.

8. The unit owner should be given an opportunity to address the Board at the meeting at which the fine is to be imposed.
9. Following the meeting, the Board should provide notice to the owner / violator, setting forth its decision and the amount of the fine imposed, if any. If a fine is imposed, the letter should contain a fine payment due date. The due date should be no more than 30 days after the date of the letter from the Board.

If the Board decides, notwithstanding the results of the Grievance Committee meeting, not to levy a fine or if some arrangement is made between the Board and the violator / owner, then that agreement or arrangement should be documented in the letter.

Decisions of the Board at the Board meeting must be included in the minutes of that meeting.