

# TROPIC ISLES CO-OP INC.

## COMPLIANCE POLICY

### **COMPLIANCE GOAL:**

To ensure the overall appearance of Tropic Isles Co-Op by encouraging residents to maintain their homes and property at the highest possible level in accordance with the Governing Documents and the Rules & Regulations.

The obligation of the residents of Tropic Isles to maintain their homes and property are found in the Governing Documents, as follows:

1. Paragraph 48 of the Declaration of Master Form Occupancy Agreement
2. Article 12.1 of the Bylaws
3. Rules & Regulations (as they may be updated from time to time)

### **COMPLIANCE PROCEDURES:**

- Email communication to advise resident, as well as owner of the property, of compliance issue with request to resolve within seven (7) days.
- Rules & Regulations Compliance Request Notice: If the violation is not remedied within seven (7) days, the Manager (at the direction of the Board) shall provide written notice to the resident alleged to be in violation, as well as the owner of the property, of the specific nature of the alleged violation, including a statement setting forth the provision(s) of the documents allegedly violated. This document requires compliance within seven (7) days.
- Final Notice of Violation: If the violation is not remedied within seven (7) days, the manager (at the direction of the Board) shall send a Final Notice of Violation, which is required to be sent via certified mail.
- If the violation is not remedied within ten (10) days of the Final Notice of Violation, the matter will be referred to the Executive Committee of the Board to impose a fine and/or proceed with further enforcement action as set forth in Article 12.1 of the Bylaws.

Prior to a fine being imposed, the Board shall:

Appoint a Fining Committee of at least three (3) members appointed by the Board who are not officers, directors, or employees of the Co-Op, or the spouse, parent, child, brother or sister of an officer, director, or employee.

When an issue is sent to the Fining Committee, it is because the Board has determined to levy a fine. The amount of the fine will be determined by the Board in accordance with the powers granted by the Governing Documents and Florida law. As of the writing of these guidelines, the fines per violation have been set at a maximum of \$100.00 per day or \$1,000.00 in the aggregate for continuing violations.

If the Board has approved the levying of a fine, the Board will provide at least fourteen (14) days' written notice to the unit owner and, if applicable, any occupant, licensee, or invitee of the unit owner sought to be fined or suspended, and an opportunity for a hearing before the Fining Committee at a duly called meeting of said committee. The date and time of the hearing will be included in the notice. The alleged violator shall have a right to be represented by counsel and to cross examine witnesses. If the Fining Committee, by majority vote, does not approve a proposed fine, it may not be imposed. The role of the

Fining Committee is limited to determining whether to confirm or reject the fine or suspension levied by the Board.

If the fine is confirmed by the Fining Committee, the Co-Op must provide written notice of such fine by mail or hand delivery to the property owner, and, if applicable, to any tenant, licensee, or invitee of the owner.

No further notice or hearing shall be necessary to enable the Board to levy fines for an uncorrected violation or violations, or for recurring or continuing violations substantially similar to violations for which a hearing opportunity was previously provided and that occur within one (1) year of the last date a previous violation occurred or was ongoing.

#### **PAYMENT OF FINES:**

Fines shall be paid no later than five (5) days after notice of the imposition of the fine. In the event that the fine is not paid when due, the Co-Op may pursue legal action against the owner to recover the fine, as well as recover all legal fees incurred.

Nothing in this policy shall be construed to require the Board of Directors to initiate fining against a violator. The Board has the authority to determine the most effective enforcement approach on a case-by-case basis in accordance with Article 12.1 of the Bylaws. This decision is solely within the discretion of the Board of Directors. Consideration may be given regarding the severity and frequency of the infraction in determining the appropriate level of enforcement action to be taken. In the event such other means are pursued, the Co-Op shall not be required to comply with the procedures and provisions of this policy. Additionally, notwithstanding the above, the Board may forego sending the first and second notices in situations where public safety is a concern or in other exigent circumstances, provided that Florida Law is followed prior to levying any fine or taking any legal action.

This Compliance Policy was adopted by the Board of Directors this 16<sup>th</sup> day of March, 2023 and is reflected in the minutes of the Association.