

ALDEA MAR CONDOMINIUM ASSOCIATION INC.
FINING AND SUSPENSION PROCEDURES – Revised March 27, 2023

The Association has created the following Fining and Suspension Procedures pursuant to *Section 718.303, Florida Statutes (2021)*,¹ of Chapter 718 (the “Condominium Act”), and Article 13 of the *Declaration of Condominium of Aldea Mar*.²

1. All Unit Owners, tenants, licensees, invitees, and other occupants of Units are required to comply with the Florida Condominium Act, the Amended and Restated Declaration of Condominium of Aldea Mar, A Condominium (the “Declaration”), the Amended and Restated Bylaws of Aldea Mar Condominium Association, Inc. (the “Bylaws”), and the Rules and Regulations of Aldea Mar Condominium Association, Inc. (the “Rules and Regulations”). See Section 718.303(1), Florida Statutes (2021).
2. Unit Owners and their tenants, guests, and invitees are subject to fines and/or suspensions (as described below) levied and/or imposed by the Association for violations of the Declaration, Bylaws, and Rules and Regulations. Unit Owners are responsible for the conduct of their tenants, guests, invitees, and any other occupant of their Unit, and as such, will be subject to fines and/or suspensions for violations of the Declaration, Bylaws, and Rules and Regulations by such persons.
3. Violations of (a) the Declaration; (b) the Bylaws; or (c) the Rules and Regulations, may be observed by Members of the Association, Members of the Board of Directors, agents of Aldea Mar Condominium Association, Inc. (the “Association”). Violations may be reported to any member of the Board of Directors and/or to the Association Management Company on their website.
4. In the event a violation is reported by a Member of the Association, and the Member reporting the violation has left contact information, the Association will confirm receipt of the report and advise such Member that the Association will investigate.
5. In the event a violation is confirmed by the Association, a description of the violation shall be entered on the Association Management Company’s website identifying the nature of the violation, date and time observed, and the name of the reporting person. If possible, the violation should be further documented through witness testimony, or photographic or video evidence. Thereafter, the Association will make reasonable efforts to investigate within five (5) business days of receipt of a report of a violation to confirm the violation exists and/or took place. Violation submissions are subject to Board evaluation to avoid frivolous or retaliatory acts.

¹ Article 3.9 of the Amended and Restated Declaration of Condominium of Aldea Mar provides as follows:

3.9 Condominium Act means Chapter 718, Fla. Stat., as amended from time to time, is incorporated herein by reference, and all provisions thereof shall apply to this condominium to the extent that said statute is not inconsistent with the provisions contained in this Declaration or its exhibits.

² Article 13 of the Amended and Restated Declaration of Condominium of Aldea Mar provides as follows:

13. ENFORCEMENT AND COMPLIANCE. Each Unit Owner, tenant, Guest, or occupant of a Unit shall be governed by and shall comply with the Governing Documents. Failure of a Unit Owner, tenant, Guest, or occupant to comply therewith shall entitle the Association or other Unit Owners to the relief herein provided, in addition to the remedies provided by the Condominium Act.

6. Within five (5) business days of confirming a violation, the Association shall direct the Property Manager to issue the offending Unit Owner, and if the Association so determines, the Unit Owner's tenant, guest, or invitee (the "Offending Party") a Courtesy Notice (see Exhibit A) by electronic mail if the person's email is registered with the Property Manager. The Courtesy Notice must include:
 1. Description of Violation
 2. Date Violation Observed
 3. Name and Section of Governing Document Violated
7. If the violation is corrected after receipt of a Courtesy Notice, the file shall be closed, the violation shall be removed from the Association Management Company's website, and no further action shall be taken.
8. If a violation continues after the issuance of the Courtesy Notice, and the violation is further documented through witness testimony, or photographic or video evidence, after the issuance of the Courtesy Notice, the Board of Directors may place the violation on the agenda for a legally posted meeting to allow the Board of Directors to consider levying a fine and/or suspension against the Offending Party (see Paragraph 8 below). A description of the violation, dates of observation, and evidence in support, as well as a copy of the Courtesy Notice, shall be furnished to the Directors in advance of such meeting.
9. At the meeting of the Board of Directors, the Association Manager, or such other representative or agent of the Association as determined by the Board of Directors, shall identify the Offending Party by Unit number, describe the violation, confirm that the Courtesy Notice was furnished, and confirm the dates the violation was observed. The Board of Directors may then elect to levy a fine in the amount of \$100 per violation, or \$1,000 in the aggregate against the Offending Party, and/or levy a suspension, for a reasonable period of time, the right of a Unit Owner, and/or a Unit Owner's tenant, guest, or invitee, to use the common elements, common facilities, or any other Association property (but not including limited common elements intended to be used only by that Unit) for failure to comply with any provision of the Declaration, the Association Bylaws, or Rules and Regulations of the Association. See Sections 718.303(3)(a) and (b), Florida Statutes (2021).
10. If a fine or suspension is levied, the Association must provide written notice to the Owner within five (5) days. This notice MUST be sent by Certified Mail Return Receipt Requested. Owner can then request within 14 days to meet with Evaluation Committee, in person or electronically, to appeal the decision of the Board.
11. If the Board of Directors elects not to levy a fine or suspension, the file shall be closed, the violation shall be removed from the Association Management Company's website, and no further action shall be taken.
12. Within five (5) days of the Board of Directors levying a fine and/or suspension, the Association shall provide the Offending Party written notice (a "14-day notice") (see Exhibit B) that a fine and/or suspension has been levied, and such person has the opportunity to appear for a hearing before an Evaluation Committee of at least three (3) members appointed by the Board of Directors who are not officers, directors, or employees of the Association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. The 14-day notice shall identify the violation, the amount of fine levied, and/or the length of suspension, and the date, time, and location of the hearing, and shall be served by Certified Mail Return Receipt Requested, regular mail, and electronic mail, if the person's email is registered with the Property Manager. See Sections 718.303(3)(a) and (b), Florida Statutes (2021).

13. At the hearing, the Association Manager, or such other representative or agent of the Association, as determined by the Board of Directors, shall present the evidence of the violation(s) of the Declaration, Bylaws, or Rules and Regulations by the Offending Party to the Evaluation Committee. Once such evidence has been presented by the Association Manager, or such other representative or agent of the Association as determined by the Board of Directors, the Offending Party, and the Association, shall be given an opportunity to speak, present evidence, and explain why a fine or suspension should not be imposed. The Offending Party may call fact witnesses. The Evaluation Committee may ask questions of the person sought to be fined, any witness called by the person sought to be fined, and any witness called by the Association.
14. The role of the Evaluation Committee is limited to either approving or rejecting the fine and/or suspension levied by the Board of Directors. A fine or suspension levied by the Board of Directors shall be approved or rejected by a majority of the Evaluation Committee. See Section 718.303(3)(b), Florida Statutes (2021).
15. If the Evaluation Committee rejects the fine or suspension, the file shall be closed, the violation shall; be removed from the Association Management Company's website, and no further action shall be taken. See Section 718.303(3)(b), Florida Statutes (2021).
16. If the Evaluation Committee approves the fine or suspension, the Association shall provide the Offending Party written notice (see Exhibit C) that the fine or suspension has been approved. The written notice shall be served by Certified Mail Return Receipt Requested, regular mail, and email, if registered with the property manager. The payment is due, and any period of suspension shall begin, five (5) days after such written notice is provided to the Offending Party. See Section 718.303(3)(b), Florida Statutes (2021).
17. The fine may not exceed \$100 per violation, or \$1,000 in the aggregate. The fine shall not become a lien against the Unit. See Section 718.303, Florida Statutes (2021).
18. The Association may suspend the voting rights of a Unit Owner or Member due to nonpayment of any fee, fine, or other monetary obligation due to the Association which is more than \$1,000 and more than 90 days delinquent. Proof of such obligation must be provided to the Unit Owner or member thirty (30) days before such suspension takes effect. The suspension ends upon full payment of all obligations currently due or overdue the association. The violation shall then be removed from the Association Management Company's website. See Section 718.303(5), Florida Statutes (2021).
19. Nothing in these policies and procedures shall limit the right of the Association to bring legal action against an Offending Party for injunctive or monetary relief in appropriate cases as determined by the Board of Directors. See Articles 13 and 13.6 of the Amended and Restated Declaration of Condominium of Aldea Mar.
20. The Association shall, by appropriate action, indemnify and hold all members of the Evaluation Committee harmless from liability in connection with their activities as Evaluation Committee members, and the Association shall procure appropriate insurance for such purposes. See Article XII of the Amended and Restated Articles of Incorporation of Aldea Mar Condominium Association, Inc.

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EXHIBIT A ALDEA MAR CONDOMINIUM ASSOCIATION, INC.

% Keys-Caldwell, Inc.

1162 Indian Hills Blvd, Venice, FL 34293

[Date]

SENT BY REGULAR MAIL or EMAIL (IF AVAILABLE)

Unit Number (Example: AMR 73)

Name(s) of Unit Owner(s)

Aldea Mar Mailing Address

Home Mailing Address

Email Address

SUBJECT: COURTESY NOTICE OF VIOLATION

Dear Unit Owner(s):

It has come to the attention of the Association that you are in violation of the Aldea Mar governing documents in connection with your unit and/or your use of the common areas of the condominium property as described below.

DESCRIPTION OF VIOLATION: _____

DATE VIOLATION OBSERVED: _____

NAME AND SECTION OF GOVERNING DOCUMENT VIOLATED: _____

Please understand that it is the responsibility of your Board of Directors to ensure that all Aldea Mar governing documents are being followed for the enjoyment, protection, and benefit of all owners. The Board requests your help by remedying the above-described violation. The violation must be remedied immediately or as soon as possible (if the nature of the violation does not allow immediate remedy). In all cases, violations must be remedied no later than 14 days from the date of this Notice. If you do not remedy the violation, then you may be subject to a fine of up to \$100.00 per violation or \$1,000.00 in the aggregate (for a continuing violation). In addition, your rights to use the Association common facilities may be suspended. For authority see the *Florida Condominium Act, Section 718.303*. You will receive further notice if a fine is levied, or a suspension is imposed by the Board of Directors.

If you have any questions or concerns regarding this Courtesy Notice or if you believe that this Notice was sent in error, please submit your comments through the "Violations " page on the Association website or in writing to the above address. For accurate record keeping, Keys-Caldwell, Inc. will not discuss this matter with you over the telephone or in person.

Sincerely,

Keys-Caldwell, Inc., Property Manager

By: _____

For the Board of Directors

EXHIBIT B ALDEA MAR CONDOMINIUM ASSOCIATION, INC.

% Keys-Caldwell, Inc.

1162 Indian Hills Blvd, Venice, FL 34293

[Date]

**SENT BY CERTIFIED MAIL RETURN RECEIPT REQUESTED,
REGULAR MAIL AND EMAIL (IF AVAILABLE)**

Unit Number (Example: AMR 73)

Name(s) of Unit Owner(s)

Aldea Mar Mailing Address

Home Mailing Address

Email Address

SUBJECT: NOTICE OF FINE AND/OR SUSPENSION

Dear Unit Owner(s):

It has come to the attention of the Aldea Mar Board of Directors that you have failed to remedy the violation or have repeated the violation, as applicable, of the Aldea Mar governing documents described in the Courtesy Notice letter to you dated _____. As a result, on _____ (date), the Board of Directors voted to levy a fine against you and/or suspend your use of common facilities as described below.

DESCRIPTION OF ORIGINAL VIOLATION: _____

DATE ORIGINAL VIOLATION OBSERVED: _____

NAME AND SECTION OF GOVERNING DOCUMENT VIOLATED: _____

DATE(S) CONTINUING OR REPEATED VIOLATION OBSERVED: _____

FINE AMOUNT: _____

SUSPENSION (if none so state): _____

Please be advised that the fine or suspension levied above may not be imposed unless approved by the Aldea Mar Evaluation Committee at a hearing called for that purpose. At the hearing, the Committee will either approve or reject the fine or suspension. The hearing date, time and location are set forth below. You are strongly advised to attend this hearing and present your argument or case if you contest the violation or the fine or suspension imposed. A copy of the Association Fining and Suspension Procedures is available on the Keys-Caldwell website. You should read this document carefully in order to understand your rights during and following the hearing.

HEARING DATE AND TIME: _____

HEARING LOCATION: _____

If you have any questions or concerns regarding this Notice of Fine and/or Suspension, please submit them through the "Violations " page on the Association website or in writing to the above address. For accurate record keeping, Keys-Caldwell, Inc. will not discuss this matter with you over the telephone or in person.

Sincerely,
Keys-Caldwell, Inc., Property Manager
By: _____
For the Board of Directors

EXHIBIT C**ALDEA MAR CONDOMINIUM ASSOCIATION, INC.****% Keys-Caldwell, Inc.****1162 Indian Hills Blvd, Venice, FL 34293**

[Date]

**SENT BY CERTIFIED MAIL RETURN RECEIPT REQUESTED,
REGULAR MAIL AND EMAIL (IF AVAILABLE)**

Unit Number (Example: AMR 73)

Name(s) of Unit Owner(s)

Aldea Mar Mailing Address

Home Mailing Address

Email Address

SUBJECT: NOTICE OF EVALUATION COMMITTEE DECISION

Dear Unit Owner(s):

Please be advised that after considering all the evidence presented at its hearing held on _____ (date) the Aldea Mar Evaluation Committee made the following decisions concerning the fine and/or suspension levied against you by the Board of Directors for the violation(s) described in the NOTICE OF FINE AND/OR SUSPENSION sent to you on _____ (date):

CHECK AND INITIAL APPLICABLE LINES BELOW**FINE IN THE AMOUNT OF \$ _____****APPROVED _____****REJECTED _____****NOT APPLICABLE _____****SUSPENSION OF USE OF COMMON FACILITIES
FOR _____ (SPECIFY TIME PERIOD)****APPROVED _____****REJECTED _____****NOT APPLICABLE _____**

If the fine and/or suspension is **REJECTED**, then **the file is closed, and no further action will be taken.** If the fine and/or suspension is **APPROVED**, then **the fine is imposed and due within 5 (five) days after this Notice is provided to you.** Make your payment to Aldea Mar Condominium Association and mail or hand-deliver to Keys-Caldwell, Inc., Property Manager, 1162 Indian Hills Blvd., Venice, FL 34293. Your period of suspension of use of common facilities, if applicable, shall begin five days from the date of your receipt of this Notice, without further notice.

Sincerely,

Keys-Caldwell, Inc., Property Manager

By: _____

For the Board of Directors