

## Lake of the Woods of Jacaranda Homeowners Association, Inc.

### Compliance Process and Authority

#### COMPLIANCE PROCESS

The LOWOJ compliance process begins with the identification or report of a violation. There are two ways that a violation might occur in the LOWOJ HOA.

#### Registration of a Violation

Keys-Caldwell and members of the Board of Directors conduct a monthly drive-through of the community. During this drive-through specific complaints that have been registered by homeowners via the Keys-Caldwell website are investigated. Additionally, during the drive-through any violations that are noted will also be documented by the assigned personnel who conduct the drive-through. Typically, these complaints are related to (but not limited to) the following:

- Dirty roofs, sidewalks, driveways, exterior of house
- Weeds in planting beds, uncut shrubs, poorly maintained landscape, etc.
- Overnight street parking, parking on grass or sidewalk, commercial vehicles, inoperable vehicle, etc.

Complaints from residents are required to be entered into the Keys-Caldwell (KC) system, via the Message Center (<https://keys-caldwell.com/>). To complete a complaint, a homeowner must log-in to the Keys-Caldwell message center and state the details of the assumed violation, the address where the violation exists, photographs of the violation are strongly encouraged.

#### Homeowner Notification of a Violation

If the Board of Directors agrees that a violation has occurred, Keys-Caldwell will then send the homeowner a violation notification letter. As required in the Authorization section below, the violation letter will include a 30-day cure period, during which the owner can correct the violation without further penalty. The violation notice letter will also identify the specific section of the Declaration of Covenants, HOA Bylaws, and/or HOA Rule that has been violated, a description of the alleged violation; a reference photograph of the violation that shows some or all of the details of the violation, and the specific action required by the homeowner to cure the violation. The letter will also state what the next steps will be if the violation is not cured.

Homeowners may comment on their violations and/or provide details about their fine or their efforts to cure the violation via the Keys-Caldwell website (<https://keys-caldwell.com/>). The homeowner must login to the Keys-Caldwell site under their LOWLOJ account to do this; then select "My Violations". The homeowner can then click on "Add a Comment" to provide relevant information to the Board of Directors. Additionally, the homeowner can see if the violation has been closed or if a fine has been levied at this same location on the Keys-Caldwell site. If the violation has been cured by the homeowner, it is critical that they notify the Board via the website page mentioned above, that they violation has been corrected.

#### Board of Directors Vote on Levying a Fine

If the 30-day grace period for the owner to cure the violation has expired without cure, the violation will be reviewed at the next Board of Directors meeting, where a vote will be taken by the Board regarding whether a fine should be levied against the homeowner and what the amount of the fine should be. The homeowner is welcome to attend this meeting and speak with the Board of Directors regarding the violation before a vote is taken.

### Compliance Committee Review

After the Board of Directors approves a fine by vote, the Compliance Committee will review the fine. The Board of Directors, via Keys-Caldwell, will initially provide at least 14 days' notice to the parcel owner at his or her designated mailing or e-mail address in the association's official records and, if applicable, any occupant, licensee, or invitee of the parcel owner, sought to be fined or suspended and a hearing before the Association's Compliance Committee.

The notice will include a description of the alleged violation; the specific action required to cure such violation, if applicable; and the date and location of the Compliance Committee hearing. A parcel owner has the right to attend a hearing in person, by telephone, or other electronic means.

If the Compliance Committee, by majority vote, does not approve a proposed fine or suspension, the proposed fine or suspension may not be imposed. The role of the committee is limited to determining whether to confirm or reject the fine or suspension levied by the board.

### Notice of Fine

If the proposed fine or suspension levied by the Association is approved by the Compliance Committee by a majority vote, the fine payment will be due 5 days after notice of the approved fine has been provided to the parcel owner and, if applicable, to any occupant, licensee, or invitee of the parcel owner. The Association will provide written notice of such fine or suspension by mail or hand delivery to the parcel owner and, if applicable, to any occupant, licensee, or invitee of the parcel owner. The letter will state the amount of the fine (not to exceed \$100 per day up to \$1000 in the aggregate). The fine will commence on the mailing date of the violation notice.

### Repeat Offenders

Frequently, some homeowners cure a violation and then allow the same violation to occur again. Some examples of these types of repeat violations include:

- Improper Parking, Boat, RV, Commercial vehicles
- Improper Flags, Signs
- Weeds in planting beds, Untrimmed Shrubs, etc.
- Resident leaving LOWOJ without making arrangements for landscape cared.

In the case of homeowners who have been cited in the past 2 years for a specific violation and then allow the violation to repeat, the violation notification grace period in the violation notice will be reduced to 14 days, the minimum allowed by Florida statutes. Otherwise, the process will remain the same, as stated above.

### AUTHORITY TO FINE UNDER FLORIDA STATUTES (FROM SECTION 720.305)

In part (excerpted from Section 720.305 of the Florida Statutes) the following authorized the Lake of the Woods of Jacaranda Homeowners Association, Inc. Board of Directors to levy fines in certain cases:

The Lake of the Woods of Jacaranda HOA, Inc. Board of Directors (the "Association") may levy reasonable fines for violations of the declaration, association bylaws, or reasonable rules of the association. A fine may not exceed \$100 per violation against any member or any member's tenant, guest, or invitee for the failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association unless otherwise provided in the governing documents. A fine may be levied by the board for each day of a continuing violation, with a single notice and opportunity for hearing, except that the fine may not exceed \$1,000 in the aggregate.

The Association may suspend, for a reasonable period of time, the right of a member, or a member's tenant, guest, or invitee, to use common areas and facilities for the failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association. This does not apply to that portion of common areas used to provide access or utility services to the parcel. A suspension may not prohibit an owner or tenant of a parcel from having vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park.

A fine or suspension levied by the Association Board of Directors may not be imposed unless the board first provides at least 14 days' notice to the parcel owner at his or her designated mailing or e-mail address in the association's official records and, if applicable, any occupant, licensee, or invitee of the parcel owner, sought to be fined or suspended and a hearing before the Association's Compliance Committee. The notice shall include a description of the alleged violation; the specific action required to cure such violation, if applicable; and the date and location of the hearing. A parcel owner has the right to attend a hearing by telephone or other electronic means.

If the Compliance Committee, by majority vote, does not approve a proposed fine or suspension, the proposed fine or suspension may not be imposed. The role of the committee is limited to determining whether to confirm or reject the fine or suspension levied by the board.

After the hearing before the Compliance Committee, the committee shall provide written notice to the parcel owner at his or her designated mailing or e-mail address in the association's official records and, if applicable, any occupant, licensee, or invitee of the parcel owner, of the committee's findings related to the violation, including any applicable fines or suspensions that the committee approved or rejected, and how the parcel owner or any occupant, licensee, or invitee of the parcel owner may cure the violation, if applicable.

If the proposed fine or suspension levied by the Association is approved by the Compliance Committee by a majority vote, the fine payment is due 5 days after notice of the approved fine is provided to the parcel owner and, if applicable, to any occupant, licensee, or invitee of the parcel owner. The Association will provide written notice of such fine or suspension by mail or hand delivery to the parcel owner and, if applicable, to any occupant, licensee, or invitee of the parcel owner.

If an LOWOJ member is more than 90 days delinquent in paying any fee, fine, or other monetary obligation due to the association, the association may suspend the rights of the member, or the member's tenant, guest, or invitee, to use common areas and facilities until the fee, fine, or other monetary obligation is paid in full. This does not apply to that portion of common areas used to provide access or utility services to the parcel. A suspension shall not prohibit an owner or tenant of a parcel from having vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park.

The association may suspend the voting rights of a parcel or member for the nonpayment of any fee, fine, or other monetary obligation due to the association that is more than 90 days delinquent. Any such suspension will end upon full payment of all obligations currently due or overdue to the association.

All suspensions imposed shall be approved at a properly noticed board meeting. Upon approval, the board will send written notice to the parcel owner and, if applicable, the parcel's occupant, licensee, or invitee by mail or hand delivery to the parcel owner's designated mailing or e-mail address in the association's official records.

Suspensions permitted under this procedure apply to a member and, when appropriate, the member's tenants, guests, or invitees, even if the delinquency or failure that resulted in the suspension arose from less than all of multiple parcels that may be owned by a member.