



HARRISON RANCH HOMEOWNERS' ASSOCIATION, INC.
A Corporation Not-for-Profit
Compliance Guidelines

Adopted June 26, 2018

The Board of Directors for the Harrison Ranch Homeowners' Association, Inc. ("Board") has adopted the following policy regarding the violation of restrictions in the community at a duly constituted meeting, at which a quorum was present, on June 26, 2018.

In the event that the Board of Directors have determined that a member of the Association is in violation of the restrictive covenants, the Board may, in its sole discretion, initiate the following procedures consistent with the Florida Statutes and the Association Documents.

The Board shall provide written notice to the person alleged to be in violation, and the Owner of the Lot or portion of the Property within which that person occupies, or to which that person is a guest, if that person is not the Owner, of the specific nature of the alleged violation, including a statement setting forth the provisions of the documents allegedly violated and a short and plain statement of the matters asserted by the Association (the "First Letter"). If the Owner (or violator) fails to remedy the violation within fourteen (14) days of the First Letter, the Board shall send a second violation letter (the "Second Letter"). If the violation is still not remedied within fourteen (14) days of the Second Letter, the Board shall send a Final Notice of Non-Compliance and advise of an opportunity for a hearing before a committee upon a written request delivered to the Board or designated agent within fourteen (14) days of the date of the notice of the violation or violations, by regular mail. If the violation is still not timely corrected, the Board shall send a notice of the fine, with proof of mailing, at which time all postage fees and costs shall be charged to the Owner's account. Prior to a fine or suspension being imposed, in accordance with Chapter 720, Florida Statutes, the Board shall:

- ❖ 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 Association, 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 whether to levy a fine or suspension. The amount of the fine will be determined by the Board in accordance to the powers granted to the Board by the Association's governing documents and Florida law. As of the writing of this guideline, the fines have been set with a maximum of \$100.00 per day or \$1,000.00 in the aggregate for continuing violations.
- ❖ If the Board has decided to levy a fine or suspension, the Board provides the person

to be fined or suspended with at least 14 days notice of the fine or suspension and an opportunity for a hearing before the Fining Committee.

- ❖ If the alleged violator requests a hearing before the Fining Committee, the Fining Committee shall meet with the alleged violator. The alleged non-compliance shall be presented to the Fining Committee, after which the Fining Committee shall hear reasons why a fine(s) or suspension should not be imposed. 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 or suspension, 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. The meeting of the Committee should remain focused on this issue only. The Committee must provide to the Board at least a “yes” or “no” vote regarding the Board’s provided decision.
- ❖ If the Board imposes a fine or suspension, the Association must provide written notice of such fine or suspension by mail or hand delivery to the parcel owner and, if applicable, to any tenant, licensee, or invitee of the parcel owner.
- ❖ No further notice of 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 a member fails to pay a fine when due, the Association may pursue legal action against the member to recover the fine, as well as recover all legal fees incurred.

Nothing in the above policy shall be construed to require the Board of Directors to initiate fining or suspension proceedings against a violator. The Board has the authority to determine the most effective enforcement approach on a case-by-case basis. The Board can determine that the most effective approach to ensure compliance is the filing of a lawsuit, instead of or in addition to the fining system. 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 against members in violation of the community’s restrictions. In the event such other means are pursued, the Association shall not be required to comply with the procedures and provisions of this policy. Also, notwithstanding the above, the Board may forego sending the First Letter and Second Letter in situations wherein 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.