



## HAMMOCKS RULES ENFORCEMENT COMMITTEE

Florida State Statute Chapter 718.303 calls for a committee of owners appointed by the three Hammocks Board Members (Master, Villa, and Preserves) to hear appeals concerning rules violations and fines imposed by the Boards. The Hammocks committee is called the *Hammocks Rules Enforcement Committee*.

- Panel Mission: To seek due process and fairness when the Board orders a fine and/or a suspension of use of facilities. If the panel, by majority vote, does not approve a proposed fine or suspension, it may not be imposed.
- Number of Members: Three (3) members and one (1) or more substitute members to provide a quorum for a hearing. One member will be a resident of the Villa Association and two will be residents of the Preserve Association.
- Eligibility: All members must be owners, preferably in residence full-time. The Committee members cannot be Board members nor persons residing in a Board member's household.
- Meeting Time/Place: The HREC will set hearings monthly, or as necessary, at an established time, day, and place.

When a rules violation results in a fine or suspension of rights to use the Commons facilities (e.g., pool, fitness center, tennis courts), the appropriate Board will notify the owner of the property and, if applicable, a copy should be sent to the occupant, tenant or invitee via certified mail. A date, time, and place are set for a hearing (within 30 days of the violation) and a notice letter is sent, too. This hearing procedure is prescribed by Florida law ([www.leg.state.fl.us](http://www.leg.state.fl.us)) and association Declarations and Bylaws.

- 1. Premise:** The Hammocks Documents, which each owner receives, includes rules that everyone who purchases here, and those to whom they rent or lease or host, must follow. The Hammocks Boards\* have the authority to supplement the rules. The term *Hammocks Rules*, as used in this process, refers to rules in the Hammocks Documents and supplements to those rules adopted by the Hammocks Boards. This Hammocks Rule Enforcement Process is such a supplement.

Experience indicates that the vast majority of Hammocks residents respect and follow the rules. However, a few exceptions occur. The intent of the policy and process described here is to swiftly, fairly, and definitively deal with any alleged violators. The three Hammocks Boards will deal quickly with violations, whether they are by owners, tenants, and/or guests, because such actions adversely affect the safety of residents, the condition of personal and Association property, and the quality of community life. Owners are ultimately *responsible* for all their tenants and for guests as per the process described below.

**The Law:** The authority to fine and to suspend privileges to use selected common areas (e.g., pool, fitness center, tennis courts) are governed by Section 718.30 of Florida laws which provides that an association, like the Hammocks, may levy a fine against an owner and/or suspend privileges for violations of the Declarations, Articles of Incorporation, Bylaws, or rules and regulations by the owner or family members, guests, invitees, tenants, or licensees. (See [www.leg.state.fl.us](http://www.leg.state.fl.us))

- a. Fine:** According to Section 718.303, a fine may not exceed \$100 per violation. However, a fine may be levied on a per-diem (per day) basis for a continuing violation up to a maximum aggregate of \$1,000.
- b. Suspend Use of Facilities:** The same statute authorizes an association to suspend, for a reasonable period of time, the right of an owner, owner's tenant, guest, or invitee to use certain common areas and facilities, such as the Hammocks' clubhouse, pool, exercise center, and tennis courts. This may be done because of a failure of an owner or his or her occupant, tenant, or invitee to comply with any provision of the Declaration, Bylaws, or rules and regulations. A suspension does not apply to that portion of common areas used to provide access or utility service to the owner's unit, such as the right to park in designated spaces and access to the Hammocks.
- c.** In summary, all three Hammocks Boards can use a fine, a suspension, or both as means of enforcing a rule in a particular case. A fine or suspension may not be imposed without at least 14 days' notice to the person to be fined or suspended and an opportunity for a hearing.
- d.** A date, time, and place are set for a hearing (within 30 days of the violation) and a notice letter is sent via certified mail to the owner of the property and, if applicable, a copy should be sent to the occupant, tenant or invitee. This hearing procedure is prescribed by Florida law ([www.leg.state.fl.us](http://www.leg.state.fl.us)) and association Declarations and Bylaws.
- e.** The statute calls for a committee of owners appointed by the Boards to serve as the hearing committee. The committee is referred to in these rules as the Hammocks Rules Enforcement Hearing Panel (the panel). Panel members cannot be Board members nor persons residing in a Board member's household. It consists of three owner members plus substitutes to assist, as

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Currently, there are three Condominium Associations that govern the Hammocks at Cape Haze: Master Association, Villa Association, and Preserve Association.

needed, for example to provide a quorum for a hearing. The mission of the panel is to seek due process and fairness when the Board orders a fine and/or suspension. If the panel, by majority vote, does not approve a proposed fine or suspension, it may not be imposed.

- 2. Action By Resident(s) Concerned with Alleged Rule Violation(s):** If any resident(s) sees anyone committing what is or may appear to be a violation of the Hammocks Rules (e.g., taking glass container to the clubhouse patio, failing to clean up after a dog, smoking in common areas, hosting a private party without making a reservation and providing a deposit), they should:
- a. Not confront the alleged violator or violators or demand that they comply. Residents are not, according to the Hammocks rules, authorized to confront anyone, but *could politely point out the rule and ask the person to comply.*
  - b. Send/present a description of the alleged violation, in writing, to the Association manager. Examples of information to include, to the extent it is known or readily obtained, are: Day; date; time; place; name of alleged violator or violators; unit they own, rent, or are visiting; description of the violation; photographs of the violation/violator; and the relevant Hammocks rule or rules. The individual(s) who provides the description must provide their name(s) so that the on-site manager can follow up, if needed.

**3. Actions by the Association Manager on Behalf of Boards:** Upon receiving a written complaint, the manager will, on behalf of the Boards –

- a. Determine if sufficient information has been provided to decide if a Hammocks rule violation occurred. The manager will contact the resident(s) who reported the alleged violation to provide additional information or clarification, if needed.
- b. Determine if the violation is addressed by other means outside of the process described here, such as a lack of automobile sticker violations or being delinquent on monthly condominium fees for which other remedies have been established, such as towing in the case of auto stickers.
- c. If a violation, other than the kind of violation noted in (b), appears to have occurred, the following steps will take place:

*Note: The procedure for fining and suspension of use of the designated common areas and facilities are established by Florida law (See [www.leg.state.fl.us](http://www.leg.state.fl.us)) and association Declarations and Bylaws.*

Step 1: The appropriate board must pass a motion to levy the fine. If the fine is approved by the Hammocks Rules Enforcement Committee, the same board must pass a motion to impose the fine. Both board motions may occur at the first meeting at which the fine is discussed and levied; with the motion to impose the fine being contingent on the HREC approving the fine.

Step 2: A violation letter, with a summary of the rules, is sent to the owner of the property. If the property is leased, the violation letter is sent to the owner and a copy to the tenant. A 14 calendar days' remedy/response period is given. If the violation is not remedied and/or a response with a proposed adequate remedy is not received by the Association within the given remedy/response period, the Association may impose a fine or suspend use of the common facilities and Step 2 is taken.

Step 3: A date, time, and place is set for a fining or suspension of facilities use hearing (within 30 days) and a notice letter is sent via certified mail to the owner of the property with a copy to tenant, if applicable.

- 4. Actions by Rules Enforcement Hearing Panel:** The hearing will be held with the owner (or a designated representative appointed *in writing* by the owner) being responsible to appear.
- a. At the hearing, the Association manager will present the Association's side first.
  - b. If the owner attends, the owner (or a designated representative) may present their case and ask for leniency or more time to comply, etc.
  - c. The owner or designee will be asked to leave the committee during panel discussion and decision-making process. The panel will consider if amount of the fine or suspension of the use of common area facilities set by the Board is fair; more time may be granted, if there are extenuating circumstances, etc.
  - d. The panel by majority vote will dismiss the complaint or uphold the penalty. If the panel, by majority vote, does not approve the proposed fine and/or suspension, it may not be imposed.
  - e. If a fine or suspension is approved, the Board of Directors shall make a final decision as to the levying and assessment of the fine within 10 days of the following the Panel's meeting. The manager will transmit the decision to the owner, either by personal delivery or certified mail and sends a copy to tenants if they were the violators
  - f. If a fine/suspension is ordered and is paid, the violation case is closed. If, then, the same individual repeats the violation, the process begins anew.
  - g. If an imposed fine is not fully paid in 90 days, the process described in Florida Statutes 718.303 (4), (5), and (6) applies. During a regular Board meeting, Board members:
    - May vote to suspend the right of owner, family, guests, or tenant to the use of common areas and facilities (e.g., pool, fitness center) until fine is paid in full, or May suspend the voting rights of the unit.
    - Must notify owners and tenants, if applicable, of the Board's actions.

**Note:** By Florida law, suspension of voting privileges is not eligible for a hearing before the Rules Enforcement Hearing Panel.