Solivita Community Association, Inc.
Violation/Fine Policy and Procedures

BACKGROUND:

WHEREAS, the Board of Directors (the "**Board**") of Solivita Community Association, Inc. (the "**Association**") is charged with the responsibility of enforcing the Amended and Restated Master Declaration for Solivita; Second Amended and Restated Articles of Incorporation of Solivita Community Association, Inc.; Amended and Restated By-Laws of Solivita Community Association, Inc.; all Rules and Regulations; and all Association Policies and Resolutions, all as may be amended (collectively referred to as the "**Association's Governing Documents**"); and

WHEREAS, from time-to-time Owners and their guests, invitees and occupants may, either intentionally or unintentionally, violate the Association's Governing Documents; and

WHEREAS, the Board deems it to be in the best interest of the Association to adopt a uniform and systematic procedure for dealing with violations of the Association's Governing Documents in a timely manner to ensure consistent compliance with same throughout the community;

NOW, THEREFORE, BE IT RESOLVED THAT, the following Policies, Procedures and Responsibilities shall be adopted and adhered to by the Association and the Violation Committee:

POLICIES, PROCEDURES, AND RESPONSIBILITIES FOR ENFORCEMENT OF GOVERNING DOCUMENTS

I. DEFINITIONS

A. "Guidelines" shall refer to the Architectural Review Committee Standards of Procedure (formerly Architectural Review Guidelines) as amended from time to time.
B. "Association" shall refer to the Solivita Community Association, Inc.
C. "Board" shall refer to the Association Board of Directors.
D. "Violation Committee" shall refer to the Violation Committee.
E. "Declaration" shall refer to the Amended and Restated Master Declaration for Solivita as amended from time to time.
F. "Governing Documents" shall refer collectively to the Declaration; Articles of Incorporation of Solivita Community Association, Inc.; Amended and Restated By-Laws of Solivita Community Association, Inc., all as amended from time to time; the Guidelines; and any rules, regulations, or resolutions adopted by the Board.
G. "Meeting Information Sheet" shall refer to the form used by the Violation Committee to record the Committee's findings after a Committee Meeting and/or Violation Hearing and shall be sent to and used by the Community Association Manager to provide notice to the Offending Party of the Violation Committee's decision.

Reviewed by HOA Attorney

H. "Members" shall refer collectively to the persons appointed to the Violation Committee by the Board and shall include any Alternates.
I. "Offending Party" shall refer to any Solivita homeowner and/or tenant who has violated any provision of the Governing Documents and has been properly noticed of the violations in accordance with this Violation/Fine Policy adopted by the Board and as amended from time to time.
J. "Manager" shall refer to the licensed community association manager under contract with the Association.
K. "Violation" shall refer to any failure by a Solivita homeowner and/or tenant to adhere to any provision of the Governing Documents for which no written waiver has been granted by the Board, State of Florida, or the United States Federal Government.
L. "Violation Hearing" shall refer to that portion of a meeting of the Violation Committee (3 Members must be present) in which the Offending Party shall have the right to be represented by counsel, cross examine witnesses, present evidence of compliance or demonstrate extenuating circumstances to support a deviation from the Governing Documents.
M. "Owner" shall refer to the person(s) named on the deed of the non-compliant Solivita property.
N. "Compliance Director" shall refer to the person assigned by the community association management company to oversee compliance with Association Governing Documents.
O. "Community Association Manager" or "CAM" shall refer to the Manager under contract with the Association.

II. PROCEDURE

A. Reporting and Review

i. Observing and Reporting Violations

1. The Compliance Director will conduct regular inspections of the community to determine if there are any violations and to validate outstanding violations.
2. The Board and authorized Committee Members may submit violations to the Compliance Director.
3. Owners may submit violations to the Compliance Director. The Compliance Director shall review the submission and/or consult with the CAM to determine if a violation exists and if proceeding is appropriate.

ii. Preliminary Review

1. The Compliance Director will verify and document all reported violations, and submit a report to the Board for review and approval, if deemed appropriate by the Compliance Director. The Compliance Director may also make an independent determination of a violation.

2. The Board will review the violation against the governing documents. This may be done by reviewing the information provided and/or by a Board member conducting an inspection in order to corroborate the violation.
3. A majority of the Board must approve a violation to proceed with the violation process.

B. Paint Violations. On or about the first week of every month the Compliance Director shall determine which Homes are due to be painted pursuant to the Governing Documents. In determining which Homes are due to be painted, the Compliance Director will determine the last date a Home was painted. An inspection of the Home is not required at this time. If a Home is due to be painted, the Compliance Director shall send a Friendly Notice to the Owner reminding the Owner of the requirement to paint the Home. No violation exists at the time the Friendly Reminder is sent to Owner.

C. Notice of Violation by the Association (See Section 34.3 of the Declaration). The Association will generally follow the following notice procedures for the failure of an Owner (and the Owner's tenant, occupant, guest or invitee, if applicable) to abide by the Association's Governing Documents. The Association is not obligated to follow this process or procedure in every case, and it may alter the process, deadlines, number of letters, or procedure on a case-by-case basis depending on the facts and circumstances. Therefore, the following should only be used as a general guide.

i. First Notice of Violation: After inspection, the Compliance Director shall send a First Notice of Violation in writing via e-mail and/or regular mail to the Owner and, if applicable, the tenant, occupant, guest or invitee of the property out of compliance with the Association's Governing Documents to the property address and/or e-mail address on record with the Association, requesting compliance generally within of fifteen (15) days or such other time period as set forth in the Governing Documents. The time period may vary based on the violation and circumstances.

ii. Second Notice of Violation and Hearing Notice: After expiration of the time allowed for compliance as set forth in the First Notice of Violation, an inspection the Owner's Home will be done. If the violation has not been cured, the Compliance Director shall send documentation of the violation to the Board requesting approval of the fine.

If the Board approved and levied a fine, the Compliance Director shall send a Second Notice of Violation and Hearing Notice in writing via e-mail and/or regular mail to the Owner and, if applicable, the tenant, occupant, guest or invitee of the property not in compliance with the Association's Governing Documents to the property address and/or e-mail address on record with the Association, requesting compliance prior to the Hearing Date as set forth in the Hearing Notice. If the Offending Party was a tenant, occupant, guest of

invitee, the Second Notice of Violation and Hearing Notice will also be sent to the Owner. The Second Notice of Violation and Hearing Notice shall provide a 14-day advance notice of hearing before the Violation Committee as described in Section VI of these procedures (the "Violation Hearing"). The written Notice of Hearing shall include the date, time, and place of the Violation Hearing.

iii. Written Violation Committee Decision. Following the Violation Hearing, the Compliance Director shall send the Violation Committee Decision in writing to the Owner (and the Owner's tenant, occupant, guest or invitee, if applicable).

iv. Notice of Fine Due (See Section 34.8.2 of the Declaration): If the Violation Committee votes to impose a fine against the Owner after the opportunity for a Hearing, the Compliance Director shall send a Notice of Fine in the Amount of $1,000.00, or some other amount as determined by the Board and/or Compliance Committee, in writing to the Owner and/or, if applicable, the tenant, occupant, guest or invitee of the property not in compliance with the Association's Governing Documents to the property address and/or any other address on record with the Association.

v. Continuing Violation. If at the time of the Violation Hearing the violation has not been cured, the Compliance Director shall send an additional Violation Hearing Notice in writing via e-mail and/or regular mail to the Owner and, if applicable, the tenant, occupant, guest or invitee which shall provide a 14-day advance notice of Violation Hearing before the Violation Committee. The written Notice of Violation Hearing shall include the date, time, and place of the Violation Hearing. This Notice of Violation Hearing shall include information about the additional fine to be imposed in the amount of $1000.00, or some other amount as determined by the Board and/or Compliance Committee.

If the violation has not been cured as of the date of the Second Violation Hearing and imposition of the additional fine, the violation shall be referred to the Association attorney for further action and may also be set for an additional Violation Hearing and fine.

D. Responsibilities of the Owner

i. It is the responsibility of every Owner to notify their tenants, occupants, guests Owners, or invitees of the Association's policies and procedures. Additionally, are responsible for any noncompliance and actions of their tenants, occupants, guests or invitees. The Owner and the Owner's tenant, occupant, guest or invitee, whichever applicable, shall be jointly and severally liable for the violation.

ii. Notices to Owners (and the Owner's tenant, occupant, guest or invitee, if applicable) of their opportunity for a hearing before the Violation Committee shall be sent via regular U.S. Mail or hand delivery to the subject property address and, if different, to the last known address of the person who appears as Owner of the Parcel as that address is stated on the records of the Association at the time of mailing. Notices may also be sent via Certified Mail, but is not required. Notices shall be deemed to have been properly sent if issued to both the last known address and the property address. Owners may opt to receive Notices by electronic means, and the Notices shall be deemed to have been properly sent if issued to the e-mail address on record with Association.

iii. It is the responsibility of an Owner to immediately notify the CAM and/or Association in writing of any property address and/or e-mail address change. Accordingly, the Owner is obligated and responsible for providing accurate, current, and updated contact information to the CAM, Management Company, and/or Association.

iv. The Owner and/or tenant is responsible for notifying the CAM in writing that the violation(s) have been corrected and failure to do so implies the violation still exists.

III. REMEDY FOR NON-COMPLIANCE: Fine and/or Suspension of Use Rights (See Section 34.8 of the Declaration)

A. It is the policy of the Association's Board that a fine may be levied for all violations not corrected within the time frame allotted in the Notices of Violation.
B. A fine may be levied up to $100 per day, per violation.
C. A fine may be levied and imposed based upon each day of a continuing violation, with a single notice and opportunity for hearing. A continuing violation is defined as a violation that begins and continues until cured or abated. Fines in the aggregate are not capped to any amount. (See Section 34.8.1 of the Declaration).
D. Pursuant to Section 34.8 of the Declaration, and Section 720.305(2)(a) of the Florida Statutes, the Association may also suspend the right of an Owner, tenant, occupant, guest or invitee, to use common areas and facilities for the failure of the Owner, tenant, occupant, guest or invitee to comply with any provision of the Governing Documents, including failure to pay assessments. The Association may not prohibit an owner or tenant from having vehicular and pedestrian ingress to and egress from the property and the right to park. However, the Association may cancel use of the License Plate Recognition gate entry system, requiring Owner to use the non-resident gate lane. The Association may also suspend an Owner's right to vote at Member Meetings pursuant to F.S. 720.305(4).
E. If a violation remains uncorrected after issuance of a notice and hearing, or reoccurs after it had previously been cured or abated, such occurrence or reoccurrence shall be considered a new, separate violation for which additional fines may be imposed.

F. The Offending Party may have a hearing before the Violation Committee. The Second Notice of Violation and Hearing Notice will state the date, time and location of the hearing.
G. If a fine is approved by the Board and confirmed by the Violation Committee, the fine shall be paid no later than five (5) days after Notice of Fine. (See Section 34.8.4 of the Declaration).
H. If a fine is confirmed by the Violation Committee, payment of the fine/specific assessment does not absolve the Owner or tenant from remedying the violation. Whether or not a fine and/or suspension is imposed, the Board may proceed, in its discretion, with any other remedy it deems appropriate.
I. A fine of $1,000 or more may be imposed as an Individual Assessment and become a lien against the property. (See Section 28.2.5 and 34.8.4 of the Declaration).

IV. VIOLATION COMMITTEE

A. Violation Committee Members. The Violation Committee shall have five (5) or seven (7) active Members at all times, yet only three (3) or five (5) Members, depending on the number of active Members, need to attend a Violation Hearing to approve or deny a fine. No member of the Violation Committee shall be an officer, director, or employee of the Association or the spouse, parent, child, brother, or sister of an officer, director, or employee.
B. Appointment of Members. The Violation Committee shall be made up of resident volunteers in good standing with the Association who are appointed by the Board in accordance with its authority under the By-Laws.
C. Recusal. A Violation Committee member shall be required to recuse himself or herself from a Violation Committee Meeting and Hearing if the member is related to, a neighbor directly to the left or right of the Offending Party, or the Member does not feel he or she can objectively participate in the meeting or hearing for any reason.
D. Member Terms. Violation Committee members shall have no set term of service.
E. Dismissal. Any Member of the Violation Committee may be removed with cause via a written request to the Board by the majority of other Members of the Violation Committee. Cause shall include, but is not limited to: the failure to remain a resident in good standing with the Association; failure to attend Violation Committee meetings without notice; failure to attend Violation Hearings without notice; failure to recuse under the conditions listed above; failure to perform his/her role objectively in both the deliberation and decision making process; failure or refusal to work with the other Members of the Violation Committee or failure to adhere to any policies procedures, or responsibilities contained herein. The Board shall also have the right to remove any Member, with or without cause, by majority vote of the Board.
F. Resignation. A Member may resign from the Violation Committee by giving the CAM a fourteen (14) day written notice of the resignation.

V. VIOLATION COMMITTEE MEMBERS AND OFFICERS

A. Chairperson. The Compliance Director shall serve as the Chairperson of the Committee and shall administer each meeting, ensure that respect and proper

decorum are observed at all times, and ensure that the policies and procedures for the Committee are followed in a fair and impartial manner. The Chairperson's responsibilities include the following:

i. Periodically meet with Violation Committee Members to review all Violation Committee Policies and Procedures.
ii. Provide all written recommendations for changes to Policies and Procedures to the Violation Committee Board Liaison.
iii. Preside over Committee Meetings and Violation Hearings.
iv. Provide the list of violations approved by the Board to the Violation Committee prior to the Violation Committee meeting.
v. Notify the Violation Committee if the Offending Party requests more than one (1) hearing postponement.an extension of the time to cure the violation or requests a postponement of the Violation Hearing.
vi. Submit a Meeting Information Sheet stating Violation Committee findings to the Compliance Director for preparation of a Notice of Violation Committee Decision to be mailed to the Offending Party.
vii. Collect all violation documents received from Compliance Director and Offending Party and return to the Compliance Director after the Violation Committee Meeting and/or Violation Hearing.

B. Compliance Staff. The Compliance Director shall schedule Compliance Staff to keep accurate records of the Violation Committee Meetings and Violation Hearings, including, but not limited to, the date and time of the meeting, type of violation, the Offending Party name and address, the names of Members present at the Committee Meeting or Violation Hearing, whether the Offending Party was present at the Committee Meeting, whether a hearing was held, the names of all individuals who spoke at the Violation Hearing, notation of all pertinent information from the Violation Hearing, record of how each Member voted if a vote was not unanimous, and record of Violation Committee final decision.

C. Compliance Director. In addition to the pre-hearing notices and obligations required pursuant to Section II this policy, the Compliance Director will submit to the Violation Committee via e-mail no later than three (3) days prior to a scheduled Violation Committee Meeting or Violation Hearing,

i. a list of the violations to be considered at the meeting;
ii. a list of Offending Parties who have notified Compliance Director of their intent to appear at the Violation Committee Meeting and/or participate in a Violation Hearing; and
iii. all documentation and all correspondence concerning each violation to be considered.

Reviewed by HOA Attorney

VI. COMMITTEE MEETINGS AND VIOLATION HEARINGS

A. Meeting Dates and Times. All meetings and hearings conducted therein shall be held on the third Wednesday of the month at 11:00 AM in the Administration Building Conference Room at 395 Village Drive, Suite C, Kissimmee, Florida 34759 unless the location and/or time is changed by the Violation Committee and properly noticed.

B. Violation Committee Attendance. No meeting and/or Violation hearing shall occur unless at least three (3) Members of the Violation Committee are present.

C. Presentation of Evidence. An Offending Party shall have the right to be represented by counsel, cross examine witnesses, present evidence of compliance or demonstrate extenuating circumstances which support a deviation from the Governing Documents.

D. Tenant's Rights. If a Tenant is the Offending Party against whom a fine may be imposed, the Tenant is permitted to attend the Violation Hearing and shall be afforded the same rights at the Violation Hearing as an Owner. In all other instances, a Tenant may be permitted to attend but may only be permitted to speak upon permission by the Committee Chair.

E. Deliberation Rules. The Violation Committee's deliberations will commence following the Violation Hearing, if one is held. The Violation Committee shall weigh the evidence provided by the Compliance Director and Offending Party and vote, in the Members' sole discretion, whether the evidence presented proves that the imposition of a fine for the purported violation is supported. In the event that the Offending Party does not appear at the Committee Meeting and a Violation Hearing is not held, the Violation Committee may directly move to vote based upon the evidence provided by the Manager without any further deliberations.

VII. COMMITTEE DECISION

A. Committee Member Voting Rights. By a majority vote of the Violation Committee Members, when a quorum is present, the Violation Committee may:
   i. Confirm the fine;
   ii. Reject the fine levied by the Board; or
   iii. Confirm the fine but suspend the fine bearing compliance in a certain time period (not to exceed 60 days).

B. A written decision of the Violation Committee shall be submitted to Owner (and the Owner's tenant, occupant, guest or invitee, if applicable) no later than twenty-one (21) days after the Violation Committee hearing. (See Section 34.8.3 of the Declaration). If the Offending Party was a tenant, occupant, guest of invitee, the written decision will also be sent to the Owner.

VIII. OTHER REMEDIES FOR NON-COMPLIANCE

A. Legal Action for Injunction (See Section 34.3 of the Declaration).

i. The Association may refer the compliance matter to its counsel to pursue an action for injunctive relief at any time.
ii. If the matter is referred to the Association's attorney, the attorney may send a violation letter to the Owner (and the Owner's tenant, occupant, guest or invitee, if applicable).
iii. If, after the violation letter is sent, there remains a violation, the Board may itself or through its CAM, by majority vote, direct the attorney to serve upon the Owner (and the Owner's tenant, occupant, guest or invitee, if applicable) a statutory demand for pre-suit mediation in accordance with Section 720.311 of the Florida Statutes, which allows twenty (20) days for compliance. The Board will choose a Board member or members to attend the mediation with full settlement authority of the Association.

iv. In the event the Owner (and the Owner's tenant, occupant, guest or invitee, if applicable) does not respond to the pre-suit mediation notice or mediation occurs and ends in an impasse, the Board may, by majority vote, direct the attorney to file a lawsuit.

B. Right to Abatement (See Sections 21.25.10, 21.25.12 and 28.2.5 of the Declaration).

i. After reasonable notice and opportunity to cure a violation, the Association may, after approval by two-thirds (2/3) vote of the Board, enter upon a Lot for the purpose of curing an outstanding violation.

ii. The CAM will send a Notice of Violation including notice that the Association may proceed with correction of the violation should the violation not be corrected within a minimum of thirty (30) days' notice, unless an emergency exists.

iii. The Notice of Violation shall be sent via certified mail, return receipt requested or hand delivery, and regular U.S. Mail, advising the Owner and, if applicable, tenant that:

1. If they fail to comply by a date certain, the Association may proceed upon his/her Lot and remedy the violation;
2. All costs associated with remedying the violation shall be the responsibility of the Owner and, if applicable, tenant, and shall be assessed against his/her lot as a specific assessment. Any such charges may become a lien against his/her property subject to foreclosure. (See Section 28.2.5 of the Declaration).

iv. The Association may reduce or eliminate the time for notice if it believes the conditions create a hazard or an emergency.

Reviewed by HOA Attorney

IX. ATTORNEYS' FEES AND COSTS: The Owner (and the Owner's tenant, occupant, guest or invitee, if applicable) shall be responsible for all attorney's fees and costs incurred by the Association in pursuing the violation and collecting any fine imposed. The Association may use all means provided by the Association's Governing Documents and Florida Statutes to collect the fines and attorney's fees and costs.

The Solivita Community Association, Inc. Violation Committee recommends to the Board of Directors that the Violation/Fine Policy and Procedures set forth above be approved and adopted.

Compliance Director: Yolanda Santiago — Date: 7/11/22
Yolanda Santiago

NAME : Hank Stuart — Date: 7/11/22
Hank Stuart, Homeowner

NAME : Bill Lemoine — Date: 7/14/22
Bill Lemoine, Homeowner

NAME : Grace Chirco — Date: 7/12/22
Grace Chirco, Homeowner

NAME : [signature] — Date: 7/13/22
John Holowiecki, Homeowner

NAME : Barbara Scherr — Date: 7/14/22
Barbara Scherr, Homeowner

IN WITNESS WHEREOF, the Board approves the provisions hereof on _____ 2022, at a duly called meeting of the Board at which a quorum was present.

Brenda N. Taylor — Date _____
Brenda Taylor, President

_____ — Date _____
Michael Luddy, Vice President

_____ — Date _____
Glenn Larson, Secretary/Treasurer

Reviewed by HOA Attorney

SOLIVITA COMMUNITY ASSOCIATION, INC.

BOARD OF DIRECTORS MEETING July 19, 2022

REG ☐ CLOSED ☐ EXEC ☐ SPEC ☐

I move to approve the Resolution Relating to Amending the April 20, 2018 Fining Policy, Establishment of a Covenant Enforcement Committee, and Committee Policies & Procedures. That document, which as amended is now the Solivita Community Association, Inc. Violation/Fine Policy and Procedures, was reviewed by the Association attorney, the Compliance Director, and the Violation Committee.

MAKER: Brenda Taylor SECOND: Glenn Lara

VOTE FOR 3 VOTE AGAINST: 0 ABSTAINED: _____

DECISION:

PASSED ☐ DEFEATED ☐ TABLED ☐ DEFERRED ☐

ABSTAINING: _____ MINORITY: _____