

Island Pointe Condominium Association of Merritt Island, Inc.

Inspection and Violation Enforcement Policy

Under Island Pointe’s governing documents and rules, Unit Owners have various obligations to the Association and to their fellow Unit Owners. The Association has an obligation to undertake inspections of units and limited common elements for certain required inspections (**e.g.**, sprinklers) and to investigate alleged violations of the rules and governing documents of the Association.

In order to equitably and consistently deal with these matters, the following policy has been established by the Board of Directors (“Board”).

I. Notice:

1. The Board or its designee shall issue notification of any inspection, violation, required corrective action or fines shall be by written notice:
 - a. to the Unit Owner at the unit address **and** at any mailing address provided by the Unit Owner;
and
 - b. by email, if the Unit Owner has provided an email address.
2. If the Unit is occupied by a Tenant or other Resident other than the Unit Owner [hereinafter “Occupant”], written notice of any inspection, violation, or required corrective action shall also be provided to the Occupant at the unit address and by email, if the Occupant has provided an email address.
3. The notice period shall begin on the date the notice is sent.
4. Notice of planned general inspections (e.g., fire alarms; garages) shall also be posted on the Island Pointe Condominium website (<https://islandpointecondo.org/>) and on the official bulletin boards in each building and in the Clubhouse.

II. Inspections:

1. Except when, in the judgment of the Board, emergency or urgent conditions exist, notice of any Inspection or Entry of a Unit Owner’s unit, or associated limited common elements shall only occur after the Unit Owner (and Occupant, if applicable) are provided with 14 calendar days advance notification. In emergency or urgent conditions, notice that an Inspection or Emergency Entry has occurred shall be provided to the Unit Owner within 24 hours of said inspection.
2. Advance noticed Inspections shall be conducted between the hours of 9 am and 4 pm on weekdays. If there are extenuating circumstances, a Unit Owner or Occupant may make a written request to the Board for an inspection conducted on a specific weekday or on the weekend.
3. Inspections and Emergency Entries shall be conducted by at least two people appointed by the Board.
4. If the Association does not have keys to the Unit or limited common element or has not been provided an entry code as an alternative, notice of that lack of access shall be given to the Unit Owner at least seven calendar days in advance of a planned Inspection to allow for the issue of access to be addressed.

III. Violations & Penalties:

In accordance with Article XXVI of the Declaration of Condominium for Island Pointe:

” The Association may levy reasonable fines against a unit for failure of the owner of the unit, or its occupant, licensee, or invitee, to comply with any provision of this Declaration, the Association By-Laws, or reasonable rules of the Association. “

Florida Statute 718.303(3) authorizes not only the issuance of fines for violations of the Association’s rules and regulations, but also the suspension of a Unit Owner’s and the Unit Occupant’s (if applicable) rights to use the amenities of the Association (**e.g.**, pools, tennis courts, community buildings, etc.) for a reasonable amount of time. While most Unit Owners, Invitees and Occupants abide by the rules and governing documents of the Association, there are occasions when that is not the case.

Please note: The **Unit Owner** is responsible for any violations committed by Invitees or Unit Occupants. The Unit Owner shall also be responsible for taking corrective actions and paying the fines for any violations.

Therefore, the Board has adopted the following process to ensure fairness, proper notice, opportunity to challenge, and time to remedy any allegations of a violation, suspension of rights or imposition of a fine.

1. Notice of any alleged violation shall be in writing from the Board or its designee and include:

- a. The identification of the specific rule or provision of the governing documents that is alleged to have been violated;
- b. A short and plain statement of the matters asserted by the Association;
- c. The amount of the proposed fine (pursuant to Sec. III.2 below) or suspension of rights and/or the nature of any required corrective action if a violation is found;
- d. The proposed date, time, and place of the hearing before the Hearing Committee¹ (at least 14 days in the future) to determine whether to confirm or reject the fine and/or suspension identified in the Notice;
- e. The Notice shall state the nature of the evidence (**i.e.**, whether there are any pictures of the violation or statements from witnesses to the alleged violation) and shall state how to access the evidence.

2. Fines and Corrective Actions

- a. Progressive Fines
 - i. For a first violation, a written warning shall be issued.
 - ii. A second violation of the same rule or provision of the documents shall be assessed a \$50 fine.
 - iii. A third and all subsequent violations of the same rule or provision shall be assessed as a \$100 fine.
- b. Time for Corrective Action
 - i. For violations that require corrective action for the violation (**e.g.**, display of a sign from a unit balcony), the Unit Owner shall have 14 calendar days from the date of an affirmative hearing decision to correct the violation.
- c. Failure to Pay Fines or Other Financial Obligations

¹ See Part IV below.

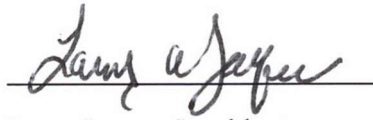
- i. A Unit Owner shall have 5 business days to pay any assessed fine after written notice of an affirmative decision of the Hearing Committee.
- ii. All fines shall be added to the Unit Owner's account.
- iii. Should a financial delinquency (including a fine) continue for more than 90 calendar days, the following penalties shall be applied until such time as the obligations are paid in full:
 - a. the Unit Owner and any Occupants shall be subject to being suspended from use of the common elements of the association (e.g., pools, hot tubs, gyms, community building) if such suspension is approved by the Board at a properly noticed meeting;
 - b. If the outstanding obligation is more than \$1000 and the Association has given 30 calendar days' notice including proof of the obligation, the Unit Owner's voting rights shall be suspended until the Unit Owner is current on all monies owed to the Association. Any suspension of voting rights shall be approved by the Board at a properly noticed Board meeting.
 - c. At an appropriate time, the Unit Owner's delinquency for maintenance may be submitted to collection.

IV. Hearings:

1. The Board shall establish a Hearing Committee of six to nine Unit Owners. Panels of three drawn from the Committee by lot will be convened as needed to review alleged violations and proposed fines. Hearing Committee panel members must be in good standing with the Association. Hearing Committee members cannot be Board members, relatives of Board members, or residing with Board members. They also cannot be employees of the Association or the management company for the Association.
2. The Board shall ensure Members of the Hearing Committee receive training on how to conduct a hearing that satisfies both Florida statutes and the rules of the Association. The Board shall also ensure Committee members are familiar with the specifics of the Association's rules. A Hearing Committee member must have completed both aspects of training before s/he is eligible to serve on a hearing panel.
3. A Unit Owner and, if applicable, the Occupant shall have 14 calendar days from the date the notice of an alleged violation and proposed fine and/or suspension of rights was sent to confirm their desire for a hearing or to request a different hearing date. Hearings may be conducted by videoconference.
4. The Unit Owner shall be provided with access to any evidence that will be used at the hearing and the names of any witnesses who will be called at the hearing.
5. The Unit Owner shall have an opportunity to respond, to present evidence, and to provide written and oral argument on all issues involved and shall have an opportunity at the hearing to review, challenge, and respond to any material considered by the Association. Unit Owners may designate an individual to represent them at the Hearing – at their own expense and with proof, such as a binding Power of Attorney - of the individual's authority to act on the Unit Owner's behalf.
6. The Unit Owner shall be provided with the written determination of the Committee within 5 calendar days after the hearing.

7. If the Hearing Committee does not approve the fine or suspension by majority vote, the fine, suspension, or demand for corrective action shall be unenforceable against the Unit Owners.

Date Approved by Board: June 15, 2023

A handwritten signature in cursive script, reading "Larry Jaques", is written over a horizontal line.

Larry Jaques, President