

Las Olas HOA Fining Committee

Purpose, Requirements, and Function

Prepared for HOA Board Members and Homeowners

Why Does Las Olas HOA Need a Fining Committee?

During the Board of Directors' recent meeting, several projects necessary to support our growing community were reviewed and approved. As part of these discussions, the Board recognized the importance of maintaining compliance with our Covenants, Conditions, and Restrictions to help preserve property values and protect the overall appearance and quality of our community.

To support these objectives, the Board determined that a formal enforcement process should be established to address violations of HOA governing documents when voluntary compliance cannot be achieved. One component of this process is the ability to levy fines for certain violations of HOA rules and requirements.

Florida law requires most homeowners' associations utilize an independent Fining Committee before imposing fines or certain suspensions on homeowners. This requirement is intended to ensure fairness and due process by providing an impartial review of the Board's proposed enforcement actions. The Fining Committee serves as an important safeguard against arbitrary or unfair enforcement and provides homeowners with an opportunity to be heard before any penalties are imposed.

Accordingly, the Board has approved the establishment and appointment of a Fining Committee to fulfill these responsibilities in accordance with Florida law.

Legal Authority

- Florida Statute and our Covenants provide that the HOA Board may propose a fine or suspension of privileges for a violation of the governing documents.
- The homeowner must be given notice and an opportunity to be heard.
- An independent Fining Committee must review the Board's decision.
- If the committee does not approve the proposed action by majority vote, the fine or suspension cannot be imposed.

Who May Serve on the Fining Committee?

The committee must consist of at least three members appointed by the Board. Directors, officers, employees, and close family members of directors, officers, or employees may not serve on the committee. Any other Owner in good standing may serve.

Initial Fining Committee Members

At its previous meeting, the Board approved Marty Foreman, Ray Lango and Scott Tobin be appointed to serve on the Fining Committee.

How the Fining Process Works

1. Alleged Violation – The HOA identifies and the Board reviews a possible violation.
2. Board Action – If merited, the Board may propose a fine or suspension.
3. Notice to Homeowner – At least 14 (in some cases, up to 21) days prior to the hearing, written notice must be provided to the homeowner.
4. Fining Committee Hearing – The homeowner may present information and respond.
5. Committee Vote – The Committee votes only to approve or reject the Board's proposal.
6. Committee Decision – The Committee approves or rejects the Board's proposed action.

What the Fining Committee Does Not Do

The committee does not create rules, investigate violations, negotiate settlements, or independently determine penalties. Its role is limited to approving or rejecting the Board's proposed action. If rejected, the fine or suspension may not be imposed.

Benefits of a Fining Committee

- Promotes fairness and consistency
- Protects homeowner rights
- Ensures compliance with Florida law
- Provides an independent review process
- Reduces the risk of arbitrary or selective enforcement

Governing Documents

The Covenants, Conditions and Restrictions of the Las Olas Homeowners' Association may be on the Las Olas website: lasolashoa.site under the "The HOA" page.

Example

If a homeowner leaves a boat in the driveway in violation of HOA rules, the Board may propose a fine. After proper notice and a hearing, the Fining Committee votes. If the committee rejects the fine, the HOA may not impose it.

Summary

The Fining Committee serves as an independent safeguard within the HOA enforcement process. Its role is to ensure that proposed fines and suspensions are reviewed fairly and that homeowners are given an opportunity to be heard before penalties are imposed.