

Notice of a Non-Compliance Violation Template

Dear Avalon Building Unit Owner:

During a recent inspection of the complex, we noted a non-compliance issue with The Avalon building rules and regulations. This notice is being sent as an **(initial) friendly reminder asking** that you correct the condition(s) identified below or **deliver in writing to the Board President, Town Shores of Gulfport #200** or by USPS mail to the address below, a description of your plan and timing for remedying the violation. Please include both your name and property address when responding.

Description of alleged Violation:

Picture:

FL Statute 718.303 Obligations of owners and occupants; remedies.

If you fail to take corrective action or respond within the allotted time of receiving this notice, we will assume that no action is being taken to achieve compliance and a formal notice of a fine will be issued to you and copied to the Fining Review Committee. If this violation is a repeated occurrence, we reserve the right to find that the pattern of non-compliance requires further action.

Please note that if your property is occupied by a tenant, it is your responsibility as the owner to ensure that the property stays in compliance with the terms of the Condo Association's governing documents. Also note that the Condo Association's governing documents are located in the Homeowner's Blue Book binder.

The Association hereby respectfully requests that you immediately correct the violations(s). To avoid further action and a \$100 fine per day per incident of up to \$1,000 in aggregate as well as a potential suspension of common area usage rights, you must either 1) remedy the violation within 30 days of receipt of this notice, 2) provide a written description of your plan to remedy the violation or 3) schedule a hearing date within fourteen (14) days with the Fining Review Committee (FRC) to discuss or contest the violation.

Contact us in writing only:

1. Town Shores of Gulfport #200
5840 30th Ave South
Unit #310
Attention: President, Board of Directors
Gulfport, FL 33707

Thank you in advance for your prompt attention to this matter.

On behalf of The Avalon Building's Condo Owner Association Board of Directors, Town Shores of Gulfport No. 200, Inc.

Town Shores of Gulfport, #200 INC
Fining Communication Log
Board of Directors

Owner/Tenant Name:	Unit #
Date of observed issue:	Email:
Reported by:	Phone:
	Text:
Description of alleged violation or non-compliance:	Owner Mailing Address:

Date & Time	Communication to: Owner/tenant	Method	Notifying Board Member(s)	Other Board Member(s) Informed	Notes
	Initial notice	€ Phone € Text € Email € Certified Mail Tracking # <hr/> € Face to face			
	2 nd notice	€ Mail € Hand-delivery € Additional: <hr/>			
	3 rd notice	€ Certified Mail Tracking # <hr/>			

	Notice & Comm Log to FRC	€ Hand delivery			
Communication tracking log is provided to Fining Review Committee along with Notice(s) of Violation					

Attachment 2

**Town Shores of Gulfport, #200 INC
Hearing Communication Log
Fining Review Committee**

Owner/Tenant Name:	Unit #
Date of observed issue:	Email:
Reported by:	Phone: Text:
Description of alleged violation or non-compliance:	Owner Mailing Address:

Date & Time	Communication with	Method	Notifying FRC Member(s)	Other FRC Member(s) Informed	Notes
	Schedule hearing with:	€ Phone € Text € Email € Certified Mail Tracking # <hr/> € Hand delivery			

	Hearing ruling given to Owner:	€ Phone € Text € Email € Certified Mail Tracking # <hr/> € Hand delivery			
	Hearing ruling given to BOD:	€ Phone € Text € Email € Certified Mail Tracking # <hr/> € Hand delivery			

Attachment 3

**Town Shores of Gulfport, #200 INC
 Fining Review Committee
 Hearing Notice Template**

- The date, time and place of the hearing;
- The nature of the alleged violation for which the member may be disciplined or the nature of the damage to the common area for which a reimbursement assessment may be imposed; *and*
- A statement that the member has a right to attend and may address the committee at the hearing.

Attachment 4

Town Shores of Gulfport, #200 INC
Fining Review Committee
Notice of Hearing Decision

Deadline for Decision. If the board imposes discipline on a member ([monetary penalty](#), [daily fines](#) or [suspension of privileges](#)), notice of the disciplinary action must be given by personal delivery or first-class mail within 15 days following the action (unless the governing documents require a shorter notice). ([Civ. Code §5855\(c.\)](#))

Contents of Decision. "Notice of Hearing Decision" letters should be written so that a person unfamiliar with the situation, such as a judge, could determine from the letter itself why the hearing was held, who participated, what was decided and why. The letter should contain the following information:

- the date of the hearing;
- the specific provisions of the CC&Rs or Rules the owner violated;
- whether or not the owner was present at the hearing (or sent a representative);
- a summary of the events leading to the hearing;
- the evidence that the owner was in violation and the evidence, if any, presented by the owner in defense;
- the findings by the board (e.g., the owner's dog created a nuisance with its incessant barking; the owner modified his/her unit without architectural approval; the owner's tenant was speeding on the association's private streets, etc.)
- the discipline imposed by the board (a warning, a fine, suspension of privileges, etc.)

Attachment 5

Notice of Intent to be a Volunteer for the Fining Review Committee

Town Shores of Gulfport, No. 200, Inc. – Avalon House

Date of Election: _____

This Notice of Intent must be received no later than _____.

Each Volunteer may submit an Information Sheet describing one's background, education, qualifications and/or platform for this position.

Mail to: FRC Chair, 5840 30th Ave S., #210, Gulfport, FL 33707

Volunteers should be familiar with Avalon's Fining Review Committee's procedures and the Florida Statute 718. The FRC procedures are on our website [Town Shores Retirement Condominium Gulfport Florida \(townshorescommunity.com\)](http://townshorescommunity.com) and the Florida Statute 718 can be found at

www.flsenate.gov/Laws/Statutes/2013/Chapter718.

<https://flsenate.gov/Laws/Statutes/2021/0718.303>

Please complete the following Declaration of Intent:

I declare my intention to be a committed volunteer for the Fining Review Committee. I hereby certify that I have read and understand to the best of my ability, the governing documents of the Committee and the provisions of Florida Statute 718.

Print Name	Signature	Date
Unit number:	_____	
Phone number:	_____	
Email address:	_____	

Note: A person cannot volunteer if they are in arrears of any fee payments or assessments. A person cannot volunteer if they have been convicted of any felony within the last 5 years.

Attachment 6

2021 Florida Statutes (Including 2021B Session)

[Title XL REAL AND PERSONAL PROPERTY](#)
[Chapter 718 CONDOMINIUMS Entire Chapter](#)
SECTION 303

Obligations of owners and occupants; remedies.

718.303 Obligations of owners and occupants; remedies.—

(1) Each unit owner, tenant and other invitee, and association is governed by, and must comply with the provisions of, this chapter, the declaration, the documents creating the association, and the association bylaws which are expressly incorporated into any lease of a unit. Actions at law or in equity, or both, for failure to comply with these provisions may be brought by the association or by a unit owner against:

- (a) The association.
- (b) A unit owner.
- (c) Directors designated by the developer, for actions taken by them before control of the association is assumed by unit owners other than the developer.
- (d) Any director who willfully and knowingly fails to comply with these provisions.
- (e) Any tenant leasing a unit, and any other invitee occupying a unit.

The prevailing party in any such action or in any action in which the purchaser claims a right of voidability based upon contractual provisions as required in s. [718.503](#)(1)(a) is entitled to recover reasonable attorney fees. A unit owner prevailing in an action between the association and the unit owner under this subsection, in addition to recovering his or her reasonable attorney fees, may recover additional amounts as determined by the court to be necessary to reimburse the unit owner for his or her share of assessments levied by the association to

fund its expenses of the litigation. This relief does not exclude other remedies provided by law. Actions arising under this subsection are not considered actions for specific performance.

(2) A provision of this chapter may not be waived if the waiver would adversely affect the rights of a unit owner or the purpose of the provision, except that unit owners or members of a board of administration may waive notice of specific meetings in writing if provided by the bylaws. Any instruction given in writing by a unit owner or purchaser to an escrow agent may be relied upon by an escrow agent, whether or not such instruction and the payment of funds thereunder might constitute a waiver of any provision of this chapter.

(3) The association may levy reasonable fines for the failure of the owner of the unit or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association. A fine may not become a lien against a unit. A fine may be levied by the board on the basis of each day of a continuing violation, with a single notice and opportunity for hearing before a committee as provided in paragraph (b). However, the fine may not exceed \$100 per violation, or \$1,000 in the aggregate.

(a) An association may suspend, for a reasonable period of time, the right of a unit owner, or a unit owner's tenant, guest, or invitee, to use the common elements, common facilities, or any other association property for failure to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association. This paragraph does not apply to limited common elements intended to be used only by that unit, common elements needed to access the unit, utility services provided to the unit, parking spaces, or elevators.

(b) A fine or suspension levied by the board of administration may not be imposed unless the board first provides at least 14 days' written notice to the unit owner and, if applicable, any tenant, licensee, or invitee of the unit owner sought to be fined or suspended, and an opportunity for a hearing before a committee of at least three 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. The role of the committee is limited to determining whether to confirm or reject the fine or suspension levied by the board. If the committee does not approve the proposed fine or suspension by majority vote, the fine or suspension may not be imposed. If the proposed fine or suspension is approved by the committee, the fine payment is due 5 days after notice of the approved fine is provided to the unit owner and, if applicable, to any tenant, licensee, or invitee of the unit owner. The association must provide written notice of such fine or suspension by mail or hand delivery to the unit owner and, if applicable, to any tenant, licensee, or invitee of the unit owner.

(4) If a unit owner is more than 90 days delinquent in paying a fee, fine, or other monetary obligation due to the association, the association may suspend the right of the unit owner or the unit's occupant, licensee, or invitee to use common elements, common facilities, or any other association property until the fee, fine, or other monetary obligation is paid in full. This subsection does not apply to limited common elements intended to be used only by that unit, common elements needed to access the unit, utility services provided to the unit, parking spaces, or elevators. The notice and hearing requirements under subsection (3) do not apply to suspensions imposed under this subsection.

(5) An association may suspend the voting rights of a unit owner or member due to nonpayment of any fee, fine, or other monetary obligation due to the association which is more than \$1,000 and more than 90 days delinquent. Proof of such obligation must be provided to the unit owner or member 30 days before such suspension takes effect. A voting interest or consent right allocated to a unit owner or member which has been suspended by the association shall be subtracted from the total number of voting interests in the association, which shall be reduced by the number of suspended voting interests when calculating the total percentage or number of all voting interests available to take or approve any action, and the suspended voting interests shall not be considered for any purpose, including, but not limited to, the percentage or number of voting interests necessary to constitute a quorum, the percentage or number of voting interests required to conduct an election, or the percentage or number of voting interests required to approve an action under this chapter or pursuant to the declaration, articles of incorporation, or bylaws. The suspension ends upon full payment of all obligations currently due or overdue the association. The notice and hearing requirements under subsection (3) do not apply to a suspension imposed under this subsection.

(6) All suspensions imposed pursuant to subsection (4) or subsection (5) must be approved at a properly noticed board meeting. Upon approval, the association must notify the unit owner and, if applicable, the unit's occupant, licensee, or invitee by mail or hand delivery.

(7) The suspensions permitted by paragraph (3)(a) and subsections (4) and (5) apply to a member and, when appropriate, the member's tenants, guests, or invitees, even if the delinquency or failure that resulted in the suspension arose from less than all of the multiple units owned by a member.

(8) A receiver may not exercise voting rights of any unit owner whose unit is placed in receivership for the benefit of the association pursuant to this chapter.

History.—s. 1, ch. 76-222; s. 1, ch. 77-174; s. 12, ch. 84-368; s. 16, ch. 90-151; s. 14, ch. 91-103; s. 5, ch. 91-426; s. 11, ch. 92-49; s. 864, ch. 97-102; s. 14, ch. 2003-14; s. 20, ch. 2008-28; s. 16, ch. 2010-174; s. 8, ch. 2011-196; s. 6, ch. 2013-188; s. 10, ch. 2015-97; s. 7, ch. 2017-188; s. 7, ch. 2018-96; s. 11, ch. 2021-99.