

ALTERRA HOMEOWNERS ASSOCIATION, INC.
Fine Procedure for
Parking Violations

WHEREAS Chapter 720, Florida Statutes, and the governing documents have provided **Alterra Homeowners Association, Inc.** (the “**Association**”) with the power to “levy reasonable fines of up to \$100 per violation against any member or any member’s tenant, guest, or invitee for the failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association”; and

WHEREAS Chapter 720, Florida Statutes, further provides that “[a] fine or suspension may not be imposed without at least 14 days’ notice to the person 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”; and

WHEREAS Chapter 720, Florida Statutes, allows for the Board of Directors of the Association to appoint a Fining Committee,

NOW, THEREFORE, LET IT BE RESOLVED THAT a Fining Committee (“**Committee**”) is hereby created, consisting of 3 members of the Association who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee.

BE IT FURTHER RESOLVED THAT the following Procedure for Fining for Parking Violations will be adopted and adhered to:

1. **Notice of Violation:** In the event of a violation of the Association’s Parking Restrictions as set forth in Article IX, Section 8 of the Declaration as amended, a Notice of Violation is mailed to the Member(s) by the Association, (or its agent) outlining the parking violation and providing the member ten (10) days to correct the violation and advising that failure to cure the violations may result in a fine levied by the Board of Directors at the next Board meeting of \$100.00 a day for each day of a continuing violation up to \$1,000.00 in the aggregate for the first violations and without limitation on aggregate amount for any subsequent parking violations as provided in Article XVI of the Declaration.
2. **Notice of Intent to Impose Fine and Fining Committee Hearing:** After a fine is levied by the Board of Directors, the Association (or its agent) shall mail a written Notice of Intent to Impose Fine and Fining Committee Hearing (“**Hearing Notice**”) to the Member, and if applicable, the Member’s tenant, guest, or invitee. The Hearing Notice shall be sent to the Member address of record on file with the Association and shall provide the party to be fined with at least fourteen (14) days’ notice of an opportunity to be heard by the Fining Committee. The notice will contain a notice of the date, time, and location of the Fining Committee hearing, for the purpose of approving the fine levied by the Board of Directors pursuant to section 720.305, Florida Statutes. The Hearing Notice must also include an opportunity for the Member, and if applicable, the Member’s tenant, guest, or invitee, to show that the violation has been corrected and will not be repeated in the future.

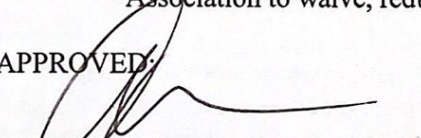
3. **Fining Committee Procedure:** At the hearing, the Member shall have the right to be represented by legal counsel and an opportunity to produce any statement, evidence, and witnesses on his or her behalf. A majority of the Committee must vote affirmatively to approve a proposed fine levied by the Board of Directors. If the Committee, by majority vote, does not approve a proposed fine, it may not be imposed by the Board of Directors.

4. **Collection:** If the Committee approves the fine levied by the Board, the Association (or its agent) must provide written notice of such fine by mail or hand delivery to the Member and, if applicable, to any tenant, licensee, or invitee of the Member. The fine is due five (5) days after notice is provided to the owner, tenant, licensee or invitee of the Member. If the Member (or tenant, licensee or invitee of Member) contacts the Association within the five (5) day period provided in the preceding sentence to make good faith arrangements to correct the violation, the matter will be reviewed by the Board of Directors at its next meeting. Fines for violations either corrected or arranged for timely correction within 30 days of mailing the Notice of Fine may be suspended by the Board for ninety (90) days, and if no further violations are noted within that time period, the fine shall be removed..

Fees and Costs: If payment of the fine is not timely received, the Board may refer the fine to counsel of the Association for collection. Payment of any and all attorneys' fees and legal costs incurred by the Association for the purpose or collection of the fine will be the responsibility of the Member.

5. Nothing contained herein affects or limits the power of the Board of Directors of the Association to waive, reduce or suspend a fine, at any time.

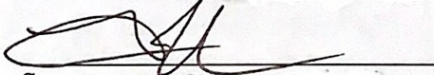
APPROVED:



President A. McDonald

8/18/2022

Date



Secretary J. Hook

Adopted at a duly noticed Board of Directors meeting held on August 18, 2022.