

**RESOLUTION OF  
DEL WEBB AT VIERA HOMEOWNERS ASSOCIATION  
For the establishment of a Fining Committee and  
Fining Guidelines**

WHEREAS Chapter 720, Florida Statutes, has provided Del Webb at Viera 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 levied by the board of administration may not be imposed unless the board first provides at least 14 days’ notice to the parcel owner at his or her designated mailing or e-mail address in the association’s official records and, if applicable, any occupant, licensee, or invitee of the parcel owner, sought to be fined or suspended and 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 to 5 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 Guidelines are adopted:

1. **Notice of Violation:** In the event of a violation of the Association’s Governing Documents persisting not less than thirty (30) days after a notice of violation was mailed (or electronically delivered if that member has elected to receive notices by email) to the Member(s) by the Community Manager for the Association (“**Manager**”), advising that failure to cure the violations may result in a fine levied by the Board of Directors of \$100.00 a day for each day of a continuing violation or such other enforcement action as the deemed appropriate.
2. **Notice of Intent to Impose Fine and Fining Committee Hearing:** After a fine is levied by the Board of Directors, the Manager shall mail (or electronically delivered if that member has elected to receive notices by email) 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’s address of record on file with the Association and shall provide the party to be fined with at least fourteen (14) days’ 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 Manager 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 notice shall provide 30 days for payment of the fine. If the Member (or tenant) contacts the Manager within the thirty (30) 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.
  
5. **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.

THIS RESOLUTION was adopted by the Board of Directors on the \_\_\_ day of \_\_\_\_, 2024 at duly called meeting at which a quorum was present.

(Corporate Seal)

Del Webb at Viera Homeowners Association, Inc.

By: \_\_\_\_\_  
President

Attest: \_\_\_\_\_  
Secretary

STATE OF FLORIDA  
COUNTY OF BREVARD

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, personally appeared before me, \_\_\_\_\_, President, and \_\_\_\_\_, Secretary, of Del Webb at Viera Homeowners Association, Inc., and who are personally known to me or produced \_\_\_\_\_ as identification and who did take an oath.

\_\_\_\_\_  
NOTARY PUBLIC  
State of Florida at Large  
My Commission Expires: