

By Representative Sublette

1 A bill to be entitled
2 An act relating to homeowners' associations;
3 amending s. 617.303, F.S.; providing that
4 statutory provisions applicable to association
5 board meetings do not apply to meetings of
6 committees or similar bodies; amending s.
7 617.305, F.S.; deleting the limit on fines that
8 an association may impose on members, tenants,
9 guests, or invitees; deleting the prohibition
10 against an association suspending the voting
11 rights of a member; amending s. 617.306, F.S.;
12 providing that members may vote for directors
13 of the association by absentee ballot but not
14 by proxy; providing an effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Subsection (2) of section 617.303, Florida
19 Statutes, is amended to read:

20 617.303 Association powers and duties; meetings of
21 board; official records; budgets; financial reporting.--

22 (2) BOARD MEETINGS.--A meeting of the board of
23 directors of an association occurs whenever a quorum of the
24 board gathers to conduct association business. All meetings
25 of the board must be open to all members except for meetings
26 between the board and its attorney with respect to proposed or
27 pending litigation where the contents of the discussion would
28 otherwise be governed by the attorney-client privilege.
29 Notices of all board meetings must be posted in a conspicuous
30 place in the community at least 48 hours in advance of a
31 meeting, except in an emergency. In the alternative, if

1 notice is not posted in a conspicuous place in the community,
2 notice of each board meeting must be mailed or delivered to
3 each member at least 7 days before the meeting, except in an
4 emergency. Notwithstanding this general notice requirement,
5 for communities with more than 100 members, the bylaws may
6 provide for a reasonable alternative to posting or mailing of
7 notice for each board meeting, including publication of notice
8 or provision of a schedule of board meetings. An assessment
9 may not be levied at a board meeting unless the notice of the
10 meeting includes a statement that assessments will be
11 considered and the nature of the assessments. Directors may
12 not vote by proxy or by secret ballot at board meetings,
13 except that secret ballots may be used in the election of
14 officers. ~~This subsection also applies to the meetings of any~~
15 ~~committee or other similar body, including any body vested~~
16 ~~with the power to approve or disapprove architectural~~
17 ~~decisions with respect to a specific parcel of residential~~
18 ~~property owned by a member of the community.~~

19 Section 2. Subsection (2) of section 617.305, Florida
20 Statutes, is amended to read:

21 617.305 Obligations of members; remedies at law or in
22 equity; levy of fines and suspension of use rights; failure to
23 fill sufficient number of vacancies on board of directors to
24 constitute a quorum; appointment of receiver upon petition of
25 any member.--

26 (2) If the governing documents so provide, an
27 association may suspend, for a reasonable period of time, the
28 rights of a member or a member's tenants, guests, or invitees,
29 or both, to use common areas and facilities and may levy
30 reasonable fines, ~~not to exceed \$50 per violation,~~ against any
31 member or any tenant, guest, or invitee.

1 (a) A fine or suspension may not be imposed without
2 notice of at least 14 days to the person sought to be fined or
3 suspended and an opportunity for a hearing before a committee
4 of at least three members appointed by the board who are not
5 officers, directors, or employees of the association, or the
6 spouse, parent, child, brother, or sister of an officer,
7 director, or employee. If the committee, by majority vote,
8 does not approve a proposed fine or suspension, it may not be
9 imposed.

10 (b) The requirements of this subsection do not apply
11 to the imposition of suspensions or fines upon any member
12 because of the failure of the member to pay assessments or
13 other charges when due if such action is authorized by the
14 governing documents.

15 (c) Suspension of common-area-use rights shall not
16 impair the right of an owner or tenant of a parcel to have
17 vehicular and pedestrian ingress to and egress from the
18 parcel, including, but not limited to, the right to park.

19 ~~(d) An association may not suspend the voting rights~~
20 ~~of a member.~~

21 Section 3. Subsection (2) of section 617.306, Florida
22 Statutes, 1996 Supplement, is amended to read:

23 617.306 Associations; meetings of members; voting and
24 election procedures; amendments.--

25 (2) ANNUAL MEETING.--The association shall hold a
26 meeting of its members annually for the transaction of any and
27 all proper business at a time, date, and place stated in, or
28 fixed in accordance with, the bylaws. The election of
29 directors, if one is required to be held, must be held at, or
30 in conjunction with, the annual meeting or as provided in the
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1 governing documents. Members may not vote for directors by
2 proxy but may vote for directors by absentee ballot.

3 Section 4. This act shall take effect July 1, 1997.
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6 SENATE SUMMARY

7 With respect to homeowners' associations, provides that:
8 statutory requirements for meetings of an association's
9 board of directors no longer apply to meetings of
10 committees and similar bodies; association fines against
11 members, tenants, guests, and invitees are no longer
12 limited to \$50; an association may suspend the voting
13 rights of a member; and members may vote for directors by
14 absentee ballot but not by proxy.
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