

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 apply to meetings of committees
6 when a final decision will be made regarding
7 the expenditure of association funds; amending
8 s. 617.305, F.S.; increasing the limit on fines
9 that an association may impose on members,
10 tenants, guests, or invitees; providing an
11 exemption from the prohibition against an
12 association suspending the voting rights of a
13 member; providing an effective date.

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

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

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

22

23 (2) BOARD MEETINGS.--A meeting of the board of
24 directors of an association occurs whenever a quorum of the
25 board gathers to conduct association business. All meetings
26 of the board must be open to all members except for meetings
27 between the board and its attorney with respect to proposed or
28 pending litigation where the contents of the discussion would
29 otherwise be governed by the attorney-client privilege.

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31 Notices of all board meetings must be posted in a conspicuous
place in the community at least 48 hours in advance of a
meeting, except in an emergency. In the alternative, if
notice is not posted in a conspicuous place in the community,

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

20 Section 2. Subsection (2) of section 617.305, Florida
21 Statutes, is amended, present subsection (3) of that section
22 is renumbered as subsection (4), and a new subsection (3) is
23 added to that section, to read:

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

29 (2) If the governing documents so provide, an
30 association may suspend, for a reasonable period of time, the
31 rights of a member or a member's tenants, guests, or invitees,

1 or both, to use common areas and facilities and may levy
2 reasonable fines, not to exceed ~~\$100~~^{\$50} per violation,
3 against any member or any tenant, guest, or invitee. A fine
4 may be levied on the basis of each day of a continuing
5 violation, with a single notice and opportunity for hearing,
6 except that no such fine shall exceed \$1,000 in the aggregate
7 unless otherwise provided in the governing documents.

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

17 (b) The requirements of this subsection do not apply
18 to the imposition of suspensions or fines upon any member
19 because of the failure of the member to pay assessments or
20 other charges when due if such action is authorized by the
21 governing documents.

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

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

28 (3) If the governing documents so provide, an
29 association may suspend the voting rights of a member for the
30 nonpayment of regular annual assessments that are delinquent
31 in excess of 90 days.

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Section 3. This act shall take effect July 1, 1997.