

By Representative Jacobs

1 A bill to be entitled
2 An act relating to homeowners' associations;
3 amending s. 617.305, F.S.; providing a
4 procedure for members to file a written
5 complaint with the association with respect to
6 alleged violations of statutes or governing
7 documents; providing an effective date.

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

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11 Section 1. Subsection (4) is added to section 617.305,
12 Florida Statutes, to read:

13 617.305 Obligations of members; remedies at law or in
14 equity; levy of fines and suspension of use rights; failure to
15 fill sufficient number of vacancies on board of directors to
16 constitute a quorum; appointment of receiver upon petition of
17 any member.--

18 (4) Any member may file a written complaint with the
19 association alleging a violation of statutes or governing
20 documents of the association. Within 45 calendar days of
21 receipt of the complaint, the association, board, officers, or
22 a designated agent shall forward a written response to the
23 member who filed the complaint, unless the governing documents
24 of the association already provide for a response deadline of
25 less than 45 days. The response by the association, board,
26 officers, or a designated agent may include, but is not
27 limited to, an offer of binding arbitration, notification of
28 pending legal action, an offer of resolution, or the basis for
29 the association's position. Failure of the association, board,
30 officers, or a designated agent to respond within 45 days
31 shall entitle the member who filed the complaint to minimum

1 damages of \$50 per calendar day, to begin on the 46th calendar
2 day, and not to exceed 10 days. If legal action or arbitration
3 is sought, the association, board, officers, or a designated
4 agent shall initiate said action within 90 calendar days after
5 receipt of the complaint. Failure of the association, board,
6 officers, or a designated agent to take action within 90 days
7 shall entitle the member who filed the complaint to actual
8 damages or minimum damages of \$50 per calendar day, to begin
9 on the 91st day, and not to exceed 10 days.

10 Section 2. This act shall take effect January 1, 1998.

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13 HOUSE SUMMARY

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15 Revises a provision of law governing homeowners'
16 associations to allow members to file a written complaint
17 with the association alleging violation of statutes or
18 the governing documents. Provides a procedure for such
19 complaints. See bill for details.

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