

By the Committee on Real Property & Probate and
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 by certified mail with the
6 association with respect to alleged violations
7 of statutes or governing documents; providing
8 for damages; providing an effective date.

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

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

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

19 (4) Any member may file a written complaint by
20 certified mail with the association alleging a violation of
21 statutes or governing documents of the association. Within 45
22 calendar days of receipt of the complaint, the association,
23 board, officers, or a designated agent shall forward a written
24 response to the member who filed the complaint, unless the
25 governing documents of the association already provide for a
26 response deadline of less than 45 days. However, if the
27 association has previously responded to the same association
28 member on the same issues raised, the association may respond
29 by providing a copy of the previous response. The response by
30 the association, board, officers, or a designated agent may
31 include, but is not limited to, an offer of binding

1 arbitration, mediation, notification of pending legal action,
2 an offer of resolution, or the basis for the association's
3 position. Failure of the association, board, officers, or a
4 designated agent to respond within 45 days shall entitle the
5 member who filed the complaint to actual damages or minimum
6 damages of \$50 per calendar day, to begin on the 46th calendar
7 day, and not to exceed 10 days. If legal action or arbitration
8 is sought, the association, board, officers, or a designated
9 agent shall initiate said action within 90 calendar days after
10 receipt of the complaint. Failure of the association, board,
11 officers, or a designated agent to take action within 90 days
12 shall entitle the member who filed the complaint to actual
13 damages or minimum damages of \$50 per calendar day, to begin
14 on the 91st day, and not to exceed 10 days.

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