

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Robaina offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 278 and 279, insert:

5 Section 2. Subsection (2) of section 718.1265, Florida
6 Statutes, is amended to read:

7 718.1265 Association emergency powers.--

8 (2) The special powers authorized under subsection (1)
9 shall be limited to that time reasonably necessary to protect
10 the health, safety, and welfare of the association and the unit
11 owners and the unit owners' family members, tenants, guests,
12 agents, or invitees and shall be reasonably necessary to
13 mitigate further damage and make emergency repairs.

14 Additionally, unless 20 percent or more of the units are made
15 uninhabitable by the emergency, the special powers authorized
16 under subsection (1) shall only be exercised during the term of

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17 the Governor's executive order or proclamation declaring the
18 state of emergency in the locale in which the condominium is
19 located.

20 Section 3. Subsection (3) of section 718.303, Florida
21 Statutes, is amended, and subsections (4) and (5) are added to
22 that section, to read:

23 718.303 Obligations of owners; waiver; levy of fine
24 against unit by association.--

25 (3) If a unit owner is delinquent for more than 90 days in
26 the payment of regular or special assessments or the declaration
27 or bylaws so provide, the association may suspend, for a
28 reasonable time, the right of a unit owner or a unit's occupant,
29 licensee, or invitee to use common elements, common facilities,
30 or any other association property. This subsection does not
31 apply to limited common elements intended to be used only by
32 that unit, common elements that must be used to access the unit,
33 utility services provided to the unit, parking spaces, or
34 elevators. The association may also levy reasonable fines
35 against a unit for the failure of the owner of the unit, or its
36 occupant, licensee, or invitee, to comply with any provision of
37 the declaration, the association bylaws, or reasonable rules of
38 the association. No fine will become a lien against a unit. A ~~No~~
39 fine may not exceed \$100 per violation. However, a fine may be
40 levied on the basis of each day of a continuing violation, with
41 a single notice and opportunity for hearing, provided that no
42 such fine shall in the aggregate exceed \$1,000. A ~~No~~ fine may
43 not be levied and a suspension may not be imposed unless the
44 association first gives ~~except after giving~~ reasonable notice

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45 and opportunity for a hearing to the unit owner and, if
 46 applicable, its occupant, licensee, or invitee. The hearing must
 47 be held before a committee of other unit owners who are neither
 48 board members nor persons residing in a board member's
 49 household. If the committee does not agree with the fine or
 50 suspension, the fine or suspension may not be levied or imposed.
 51 ~~The provisions of this subsection do not apply to unoccupied~~
 52 ~~units.~~

53 (4) The notice and hearing requirements of subsection (3)
 54 do not apply to the imposition of suspensions or fines against a
 55 unit owner or a unit's occupant, licensee, or invitee because of
 56 the failure to pay any amounts due the association. If such a
 57 fine or suspension is imposed, the association must levy the
 58 fine or impose a reasonable suspension at a properly noticed
 59 board meeting, and after the imposition of such fine or
 60 suspension, the association must notify the unit owner and, if
 61 applicable, the unit's occupant, licensee, or invitee by mail or
 62 hand delivery.

63 (5) If the declaration or bylaws so provide, an
 64 association may also suspend the voting rights of a member due
 65 to nonpayment of assessments, fines, or other charges payable to
 66 the association which are delinquent in excess of 90 days

T I T L E A M E N D M E N T

Remove line 15 and insert:

71 amending s. 718.1265, F.S.; limiting the exercise of specified
 72 special powers unless a certain number of units are rendered
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HOUSE AMENDMENT
Bill No. CS/CS/CS/HB 27

Amendment No.
73 uninhabitable; amending s. 718.303, F.S.; revising provisions
74 relating to levy of fines; amending s. 720.303, F.S.; revising
75 provisions relating to

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