

By Senator Margolis

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1 A bill to be entitled

2 An act relating to condominiums; amending s. 718.303,
3 F.S.; specifying common elements for which right of
4 use may be suspended by a condominium association if a
5 unit owner is delinquent in paying a monetary
6 obligation; providing an effective date.

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

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10 Section 1. Subsection (3) of section 718.303, Florida
11 Statutes, is amended to read:

12 718.303 Obligations of owners and occupants; remedies.—

13 (3) If a unit owner is delinquent for more than 90 days in
14 paying a monetary obligation due to the association, the
15 association may suspend the right of a unit owner or a unit's
16 occupant, licensee, or invitee to use common elements, common
17 facilities, or any other association property until the monetary
18 obligation is paid. The common elements include, but are not
19 limited to, recreation facilities, pools, gyms, meeting rooms,
20 cable television service, Internet service, and valet service.

21 This subsection does not apply to limited common elements
22 intended to be used only by that unit, common elements that must
23 be used to access the unit, electric and water utility services
24 provided to the unit, parking spaces, or elevators. The
25 association may also levy reasonable fines for the failure of
26 the owner of the unit, or its occupant, licensee, or invitee, to
27 comply with any provision of the declaration, the association
28 bylaws, or reasonable rules of the association. A fine does not
29 become a lien against a unit. A fine may not exceed \$100 per

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30 violation. However, a fine may be levied on the basis of each
31 day of a continuing violation, with a single notice and
32 opportunity for hearing. However, the fine may not in the
33 aggregate exceed \$1,000. A fine may not be levied and a
34 suspension may not be imposed unless the association first
35 provides at least 14 days' written notice and an opportunity for
36 a hearing to the unit owner and, if applicable, its occupant,
37 licensee, or invitee. The hearing must be held before a
38 committee of other unit owners who are neither board members nor
39 persons residing in a board member's household. If the committee
40 does not agree with the fine or suspension, the fine or
41 suspension may not be levied or imposed.

42 Section 2. This act shall take effect July 1, 2011.