

ENROLLED

CS/HB 617

2020 Legislature

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An act relating to the Holiday Park Park and Recreation District, Sarasota County; amending ch. 2001-342, Laws of Florida; authorizing the Board of Trustees to adopt and enforce certain rules and regulations governing the use of district facilities and prescribe penalties for violations of such rules and regulations; providing requirements for such penalties; providing an effective date.

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

Section 1. Paragraphs (g) and (h) of section 15 and section 17 of section 3 of chapter 2001-342, Laws of Florida, are amended to read:

Section 15. The trustees shall supervise all real and personal property owned by the district, and shall have the following powers in addition to those already herein enumerated:

(g) To adopt and enforce ~~promulgate~~ reasonable rules and regulations governing the use of the facilities of the district as provided in chapter 418, Florida Statutes, and to prescribe penalties for violations of such rules and regulations.

1.a. The rate of such penalties shall be fixed by a resolution of the board of trustees, as hereinafter provided, but may not exceed \$100 per violation against any property

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26 | owner, or any authorized licensee or invitee of the property
27 | owner, for the failure of the property owner or its occupant,
28 | licensee, or invitee to comply with any provision of the rules
29 | and regulations of the district.

30 | b. A fine may be levied by the board for each day of a
31 | continuing violation, with a single notice and opportunity for
32 | hearing, not to exceed a cumulative total maximum of \$1,000.

33 | c. A fine may not become a lien against the property.

34 | 2.a. Penalties for the failure of the property owner or
35 | its occupant, licensee, or invitee to comply with any provision
36 | of the rules and regulations of the district may include
37 | suspension, for a reasonable period of time, of the right of the
38 | property owner, or any authorized licensee or invitee of the
39 | property owner, to use common areas and facilities. A suspension
40 | may not exceed 10 days per violation.

41 | b. A suspension may not prohibit an owner or occupant of a
42 | property from having vehicular and pedestrian ingress to and
43 | egress from the property, including, but not limited to, the
44 | right to park a vehicle.

45 | c. This subparagraph does not apply to that portion of
46 | common areas used to provide access or utility services to the
47 | property.

48 | 3.a. A fine or suspension levied by the board of trustees
49 | may not be imposed unless the board first provides at least 14
50 | days' notice to the property owner and, if applicable, to any

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51 occupant, licensee, or invitee of the property owner sought to
52 be fined or suspended and an opportunity for a hearing before a
53 committee of at least three property owners appointed by the
54 board who are not officers, trustees, or employees of the
55 district, or the spouse, parent, child, brother, or sister of an
56 officer, trustee, or employee.

57 b. The role of the committee is limited to determining
58 whether to confirm or reject the fine or suspension levied by
59 the board.

60 c. If the proposed fine or suspension levied by the board
61 is approved by the committee, the fine payment is due 5 days
62 after notice of the approved fine is provided to the property
63 owner and, if applicable, to any occupant, licensee, or invitee
64 of the property owner. If the committee, by majority vote, does
65 not approve a proposed fine or suspension, the proposed fine or
66 suspension may not be imposed.

67 d. If a property owner and, if applicable, any occupant,
68 licensee, or invitee of the property owner is more than 90 days
69 delinquent in paying the fine, the district may suspend the
70 rights of the property owner, or the occupant, licensee, or
71 invitee of the property owner, to use common areas and
72 facilities until the fine is paid in full. This sub-subparagraph
73 does not apply to that portion of common areas used to provide
74 access or utility services to the property. A suspension may not
75 prohibit an owner or occupant of a property from having

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76 | vehicular and pedestrian ingress to and egress from the
77 | property, including, but not limited to, the right to park a
78 | vehicle. The notice and hearing requirements in this paragraph
79 | do not apply to a suspension imposed under this sub-
80 | subparagraph.

81 | (h) To use district funds in the administration and
82 | enforcement of the deed restrictions as filed in the Sarasota
83 | County public records for properties within the district, and to
84 | prescribe such penalties or exercise such enforcement remedies
85 | as may be provided for in the deed restrictions.

86 | Section 17. A record shall be kept of all meetings of the
87 | Board of Trustees and in such meetings a concurrence of a
88 | majority of said trustees shall be necessary to any affirmative
89 | action taken by the board. Said Board of Trustees may adopt such
90 | rules, ~~and~~ regulations, and penalties, not inconsistent with any
91 | portion of this act and applicable law, as it may deem necessary
92 | or convenient in and about the transaction of its business and
93 | in carrying out ~~the provisions of~~ this act.

94 | Section 2. This act shall take effect upon becoming a law.