

1 A bill to be entitled
 2 An act relating to fines levied by homeowners'
 3 associations; amending s. 720.305, F.S.; prohibiting
 4 fines imposed by homeowners' associations from
 5 exceeding \$500 in the aggregate; conforming provision
 6 to change made by the act; providing an effective
 7 date.

8

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

10

11 Section 1. Subsection (2) of section 720.305, Florida
 12 Statutes, is amended to read:

13 720.305 Obligations of members; remedies at law or in
 14 equity; levy of fines and suspension of use rights.—

15 (2) An association may levy reasonable fines. A fine may
 16 not exceed \$100 per violation against any member or any member's
 17 tenant, guest, or invitee for the failure of the owner of the
 18 parcel or its occupant, licensee, or invitee to comply with any
 19 provision of the declaration, the association bylaws, or
 20 reasonable rules of the association unless otherwise provided in
 21 the governing documents. A fine may be levied by the board for
 22 each day of a continuing violation, with a single notice and
 23 opportunity for hearing, except that the fine may not exceed
 24 \$500 ~~\$1,000~~ in the aggregate unless otherwise provided in the
 25 governing documents. A fine of less than \$500 ~~\$1,000~~ may not

26 | become a lien against a parcel. In any action to recover a fine,
27 | the prevailing party is entitled to reasonable attorney fees and
28 | costs from the nonprevailing party as determined by the court.

29 | (a) An association may suspend, for a reasonable period of
30 | time, the right of a member, or a member's tenant, guest, or
31 | invitee, to use common areas and facilities for the failure of
32 | the owner of the parcel or its occupant, licensee, or invitee to
33 | comply with any provision of the declaration, the association
34 | bylaws, or reasonable rules of the association. This paragraph
35 | does not apply to that portion of common areas used to provide
36 | access or utility services to the parcel. A suspension may not
37 | prohibit an owner or tenant of a parcel from having vehicular
38 | and pedestrian ingress to and egress from the parcel, including,
39 | but not limited to, the right to park.

40 | (b) A fine or suspension levied by the board of
41 | administration may not be imposed unless the board first
42 | provides at least 14 days' notice to the parcel owner and, if
43 | applicable, any occupant, licensee, or invitee of the parcel
44 | owner, sought to be fined or suspended and an opportunity for a
45 | hearing before a committee of at least three members appointed
46 | by the board who are not officers, directors, or employees of
47 | the association, or the spouse, parent, child, brother, or
48 | sister of an officer, director, or employee. If the committee,
49 | by majority vote, does not approve a proposed fine or
50 | suspension, the proposed fine or suspension may not be imposed.

HB 545

2023

51 The role of the committee is limited to determining whether to
52 confirm or reject the fine or suspension levied by the board. If
53 the proposed fine or suspension levied by the board is approved
54 by the committee, the fine payment is due 5 days after notice of
55 the approved fine is provided to the parcel owner and, if
56 applicable, to any occupant, licensee, or invitee of the parcel
57 owner. The association must provide written notice of such fine
58 or suspension by mail or hand delivery to the parcel owner and,
59 if applicable, to any occupant, licensee, or invitee of the
60 parcel owner.

61 Section 2. This act shall take effect July 1, 2023.