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A bill to be entitled
 An act relating to fines levied by homeowners'
 associations; amending s. 720.305, F.S.; prohibiting
 fines imposed by homeowners' associations from
 exceeding \$500 in the aggregate; requiring an
 association to provide certain notice to a member at
 his or her designated mailing address; providing an
 exception; providing requirements for such notice;
 prohibiting the imposition of a fine or suspension
 under certain circumstances; providing an effective
 date.

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

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

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

(2) An association may levy reasonable fines. A fine may
 not exceed \$100 per violation against any member or any member's
 tenant, guest, or invitee for the failure of the owner of the
 parcel or its occupant, licensee, or invitee to comply with any
 provision of the declaration, the association bylaws, or
 reasonable rules of the association unless otherwise provided in
 the governing documents. A fine may be levied by the board for

26 | each day of a continuing violation, with a single notice and
27 | opportunity for hearing, except that the fine may not exceed
28 | \$500 ~~\$1,000~~ in the aggregate unless otherwise provided in the
29 | governing documents. The notice must be sent to a member's
30 | designated mailing address, which is the member's property
31 | address, unless the member has sent written notice to the
32 | association requesting that a different mailing address be used
33 | for such notice. The notice must include a description of the
34 | alleged violation and the specific actions required to cure such
35 | violation. If the member cures the alleged violation within 14
36 | days after receiving notice from the association, a fine or
37 | suspension may not be imposed for such violation. A fine of less
38 | than \$1,000 may not become a lien against a parcel. In any
39 | action to recover a fine, the prevailing party is entitled to
40 | reasonable attorney fees and costs from the nonprevailing party
41 | as determined by the court.

42 | (a) An association may suspend, for a reasonable period of
43 | time, the right of a member, or a member's tenant, guest, or
44 | invitee, to use common areas and facilities for the failure of
45 | the owner of the parcel or its occupant, licensee, or invitee to
46 | comply with any provision of the declaration, the association
47 | bylaws, or reasonable rules of the association. This paragraph
48 | does not apply to that portion of common areas used to provide
49 | access or utility services to the parcel. A suspension may not
50 | prohibit an owner or tenant of a parcel from having vehicular

51 and pedestrian ingress to and egress from the parcel, including,
52 but not limited to, the right to park.

53 (b) A fine or suspension levied by the board of
54 administration may not be imposed unless the board first
55 provides at least 14 days' notice to the parcel owner and, if
56 applicable, any occupant, licensee, or invitee of the parcel
57 owner, sought to be fined or suspended and an opportunity for a
58 hearing before a committee of at least three members appointed
59 by the board who are not officers, directors, or employees of
60 the association, or the spouse, parent, child, brother, or
61 sister of an officer, director, or employee. If the committee,
62 by majority vote, does not approve a proposed fine or
63 suspension, the proposed fine or suspension may not be imposed.
64 The role of the committee is limited to determining whether to
65 confirm or reject the fine or suspension levied by the board. If
66 the proposed fine or suspension levied by the board is approved
67 by the committee, the fine payment is due 5 days after notice of
68 the approved fine is provided to the parcel owner and, if
69 applicable, to any occupant, licensee, or invitee of the parcel
70 owner. The association must provide written notice of such fine
71 or suspension by mail or hand delivery to the parcel owner and,
72 if applicable, to any occupant, licensee, or invitee of the
73 parcel owner.

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