

By Senator Torres

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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 unless otherwise
6 provided in the governing documents; providing that a
7 fine of less than that amount may not become a lien
8 against a parcel; providing an effective date.

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

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

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

16 (2) An association may levy reasonable fines. A fine may
17 not exceed \$100 per violation against any member or any member's
18 tenant, guest, or invitee for the failure of the owner of the
19 parcel or its occupant, licensee, or invitee to comply with any
20 provision of the declaration, the association bylaws, or
21 reasonable rules of the association unless otherwise provided in
22 the governing documents. A fine may be levied by the board for
23 each day of a continuing violation, with a single notice and
24 opportunity for hearing, except that the fine may not exceed
25 \$500 ~~\$1,000~~ in the aggregate unless otherwise provided in the
26 governing documents. A fine of less than \$500 ~~\$1,000~~ may not
27 become a lien against a parcel. In any action to recover a fine,
28 the prevailing party is entitled to reasonable attorney fees and
29 costs from the nonprevailing party as determined by the court.

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

41 (b) A fine or suspension levied by the board of
42 administration may not be imposed unless the board first
43 provides at least 14 days' notice to the parcel owner and, if
44 applicable, any occupant, licensee, or invitee of the parcel
45 owner, sought to be fined or suspended and an opportunity for a
46 hearing before a committee of at least three members appointed
47 by the board who are not officers, directors, or employees of
48 the association, or the spouse, parent, child, brother, or
49 sister of an officer, director, or employee. If the committee,
50 by majority vote, does not approve a proposed fine or
51 suspension, the proposed fine or suspension may not be imposed.
52 The role of the committee is limited to determining whether to
53 confirm or reject the fine or suspension levied by the board. If
54 the proposed fine or suspension levied by the board is approved
55 by the committee, the fine payment is due 5 days after notice of
56 the approved fine is provided to the parcel owner and, if
57 applicable, to any occupant, licensee, or invitee of the parcel
58 owner. The association must provide written notice of such fine

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59 or suspension by mail or hand delivery to the parcel owner and,
60 if applicable, to any occupant, licensee, or invitee of the
61 parcel owner.

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