

By Senator Torres

15-01728-22

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1 A bill to be entitled
2 An act relating to fines levied by a homeowners'
3 association; amending s. 720.305, F.S.; providing that
4 a fine levied against a member or the tenants, guests,
5 or invitees of a member may not become a lien against
6 a parcel; 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 (2) of section 720.305, Florida
11 Statutes, is amended to read:

12 720.305 Obligations of members; remedies at law or in
13 equity; levy of fines and suspension of use rights.—

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

28 (a) An association may suspend, for a reasonable period of
29 time, the right of a member, or a member's tenant, guest, or

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

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

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59 parcel owner.

60 Section 2. This act shall take effect July 1, 2022.