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 a					
6	provision to change made by the act; providing an					
7	effective 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	2 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 for					
16	6 violations of the declaration, association bylaws, or reasonable					
17	7 rules of the association. A fine may not exceed \$100 per					
18	8 violation against any member or any member's tenant, guest, or					
19	invitee for the failure of the owner of the parcel or its					
20	occupant, licensee, or invitee to comply with any provision of					
21	the declaration, the association bylaws, or reasonable rules of					
22	2 the association unless otherwise provided in the governing					
23	documents. A fine may be levied by the board for each day of a					
24	continuing violation, with a single notice and opportunity for					
25	hearing, except that the fine may not exceed $\frac{500}{100}$ $\frac{1000}{100}$ in the					
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aggregate unless otherwise provided in the governing documents.
A fine of less than <u>\$500</u> \$1,000 may not become a lien against a
parcel. In any action to recover a fine, the prevailing party is
entitled to reasonable attorney fees and costs from the
nonprevailing party as determined by the court.

31 An association may suspend, for a reasonable period of (a) 32 time, the right of a member, or a member's tenant, guest, or 33 invitee, to use common areas and facilities for the failure of 34 the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration, the association 35 36 bylaws, or reasonable rules of the association. This paragraph does not apply to that portion of common areas used to provide 37 38 access or utility services to the parcel. A suspension may not 39 prohibit an owner or tenant of a parcel from having vehicular and pedestrian ingress to and egress from the parcel, including, 40 41 but not limited to, the right to park.

A fine or suspension levied by the board of 42 (b) 43 administration may not be imposed unless the board first provides at least 14 days' notice to the parcel owner at his or 44 45 her designated mailing or e-mail address in the association's 46 official records and, if applicable, any occupant, licensee, or invitee of the parcel owner, sought to be fined or suspended and 47 48 a hearing before a committee of at least three members appointed by the board who are not officers, directors, or employees of 49 the association, or the spouse, parent, child, brother, or 50

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51 sister of an officer, director, or employee. The notice must 52 include a description of the alleged violation; the specific 53 action required to cure such violation, if applicable; and the 54 date and location of the hearing. A parcel owner has the right 55 to attend a hearing by telephone or other electronic means.

(c) If the committee, by majority vote, does not approve a proposed fine or suspension, the proposed fine or suspension may not be imposed. The role of the committee is limited to determining whether to confirm or reject the fine or suspension levied by the board.

61 (d) After the hearing, the committee shall provide written notice to the parcel owner at his or her designated mailing or 62 e-mail address in the association's official records and, if 63 64 applicable, any occupant, licensee, or invitee of the parcel 65 owner, of the committee's findings related to the violation, 66 including any applicable fines or suspensions that the committee approved or rejected, and how the parcel owner or any occupant, 67 68 licensee, or invitee of the parcel owner may cure the violation, 69 if applicable.

(e) If the proposed fine or suspension levied by the board is approved by the committee by a majority vote, the fine payment is due 5 days after notice of the approved fine required under paragraph (d) is provided to the parcel owner and, if applicable, to any occupant, licensee, or invitee of the parcel owner. The association must provide written notice of such fine

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76 or suspension by mail or hand delivery to the parcel owner and, 77 if applicable, to any occupant, licensee, or invitee of the 78 parcel owner. 79 Section 2. This act shall take effect July 1, 2024.

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