

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; conforming a
6 provision to changes made by the act; providing an
7 effective date.

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

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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 for violations
16 of the declaration, association bylaws, or reasonable rules of
17 the association. A fine may not exceed \$100 per violation
18 against any member or any member's tenant, guest, or invitee for
19 the failure of the owner of the parcel or its occupant,
20 licensee, or invitee to comply with any provision of the
21 declaration, the association bylaws, or reasonable rules of the
22 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 \$500 ~~\$1,000~~ in the
26 aggregate unless otherwise provided in the governing documents.
27 A fine of less than \$500 ~~\$1,000~~ may not become a lien against a
28 parcel. In any action to recover a fine, the prevailing party is
29 entitled to reasonable attorney fees and costs from the

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30 nonprevailing party as determined by the court.

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

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

56 (c) If the committee, by majority vote, does not approve a
57 proposed fine or suspension, the proposed fine or suspension may
58 not be imposed. The role of the committee is limited to

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59 determining whether to confirm or reject the fine or suspension
60 levied by the board.

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

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