

By Senator Stewart

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1 A bill to be entitled
2 An act relating to homeowners' associations; amending
3 s. 720.305, F.S.; prohibiting certain fines, special
4 assessments, and interest and late charges from being
5 imposed against certain parcels; providing liability
6 for attorney fees and costs; providing notice
7 requirements; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Paragraph (c) is added to subsection (2) of
12 section 720.305, Florida Statutes, 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) The association may levy reasonable fines. A fine may
16 not exceed \$100 per violation against any member or any member's
17 tenant, guest, or invitee for the failure of the owner of the
18 parcel or its occupant, licensee, or invitee to comply with any
19 provision of the declaration, the association bylaws, or
20 reasonable rules of the association unless otherwise provided in
21 the governing documents. A fine may be levied by the board for
22 each day of a continuing violation, with a single notice and
23 opportunity for hearing, except that the fine may not exceed
24 \$1,000 in the aggregate unless otherwise provided in the
25 governing documents. A fine of less than \$1,000 may not become a
26 lien against a parcel. In any action to recover a fine, the
27 prevailing party is entitled to reasonable attorney fees and
28 costs from the nonprevailing party as determined by the court.

29 (c)1. A fine or special assessment may not be imposed by

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30 the board of administration against any parcel during the first
31 6 months after the death of the parcel owner.

32 2. Interest and late charges incurred by the association
33 incident to the collection process to secure the payment of
34 assessments may not be imposed by the board of administration
35 against any parcel during the first year after the death of the
36 parcel owner.

37 3. An association that violates subparagraph 1. or
38 subparagraph 2. is liable for reasonable attorney fees and
39 costs, as determined by the court, to a prevailing party in any
40 successful action to enforce such subparagraph.

41 4. If a board imposes a fine or assessment against a parcel
42 that becomes due after the death of the parcel owner, the board
43 must provide written notice of such fine or assessment to the
44 executor of the parcel owner's estate at least five times by
45 certified mail, return receipt requested.

46 Section 2. This act shall take effect July 1, 2017.