

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:

10
 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
30 | the board of administration against any parcel for 6 months
31 | 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 for 1 year after the death of the parcel
36 | owner.

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

42 | 4. If a board imposes a fine or assessment against a
43 | parcel that becomes due after the death of the parcel owner, the
44 | board must provide written notice of such fine or assessment to
45 | the executor of the parcel owner's estate at least 5 times by
46 | certified mail, return receipt requested.

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