

Fining and Violations in Florida Communities

A Step-by-Step Guide for Condominium and HOA Boards

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Florida's community associations often struggle with one of the least popular but most necessary tasks of governance—enforcing rules and issuing fines. Whether it's an unapproved paint color, a noisy pet, or a failure to maintain a balcony, associations must sometimes impose sanctions to maintain order and protect property values.

Yet, fines that are not handled correctly can be invalid—and even expose the board to liability. The good news is that both the Florida Condominium Act (Chapter 718.303(3)) and the Homeowners' Association Act (Chapter 720.305(2)) lay out a clear roadmap. The key is to follow that roadmap precisely.

This article breaks down the process into practical, easy-to-follow steps—so you can clip it, share it, and use it as your quick-reference guide for proper enforcement.

1. Identify and Document The Violation

- Every enforcement action begins with identifying the problem. Maybe a resident built a fence without approval or left trash bins out for days. Before jumping to fines, the board should carry out the following:
- Verify that the conduct truly violates the governing documents (declaration, bylaws, or rules and regulations).
- Document the violation with photos, dates, and written reports from management or witnesses.
- Keep clear records—including prior communications—since consistency and fairness are vital if challenged later.
- The goal is not punishment but compliance. Sometimes a friendly reminder resolves the issue before formal enforcement becomes necessary.

2. Notice Requirement (Applies To Condominiums and HOAs)

Before any fine or suspension, give the owner 14 days' written notice and a hearing before an independent, three-member committee (owners who are not officers, directors, employees, or close relatives). The committee must be properly formed—appointed at a duly noticed board meeting, listed on the agenda, and approved by board motion. See §718.303(3)(b) (condominiums) and §720.305(2)(b) (HOAs).

- Your written notice should include the following:
- The specific provision of the declaration/bylaws/rules allegedly violated
- A brief description of the facts/behavior constituting the violation
- The date, time, place, and format of the committee hearing and the owner's right to attend and be heard
- A statement that a fine or suspension may be imposed after the hearing if approved by the committee.
- Providing this notice preserves due process and demonstrates fair, transparent enforcement.

3. Hold The Fining Committee Hearing

The committee's job is to ensure fairness and follow the law—not to debate or investigate. Members should take the following steps:

- Review the notice, governing documents, and any evidence provided.
- Conduct the hearing calmly and professionally, allowing the owner (or their representative) a reasonable chance to speak.
- Avoid discussion of unrelated issues or personal opinions.
- Deliberate privately after hearing both sides.
- Decide by a majority vote whether to approve or reject the proposed fine or suspension.
- Document the date, attendees, and outcome briefly in the minutes (no need for detailed transcripts).
- If the committee does not approve, the fine or suspension cannot be imposed.

4. Post-Hearing: How To Finalize and Notify

Condominiums—§718.303(3)(b)

When the committee approves, then

- **Send a notice**—Mail or hand-deliver written notice to the unit owner (and, if applicable, tenant/licensee/invitee).
- **Payment due**—Fine is due five days after the notice.
- **Limits**—Max \$100 per violation/per day; \$1,000 aggregate.
 - Cannot exceed these caps by declaration/rules.
 - Fines cannot become liens.
- **Recordkeeping**—Enter the decision, due date, and status in the official records.

HOAs—§720.305(2)(d), (f)

When the committee approves, then

- **Send notice**—Committee must provide written decision within seven days after the hearing.
- **Payment date**—Set a due date at least 30 days after the notice.
- **Limits**—Default \$100 per violation/per day; \$1,000 aggregate (docs may allow higher).
- **Lien rule**—Less than \$1,000 means no lien. \$1,000-plus means a lien only if the declaration authorizes it.
- **Recordkeeping**—Enter the decision, due date, and status in the official records.

5. Prevention Starts with Connection

The best enforcement happens long before a violation notice is ever sent. Keep owners informed and engaged by publishing a simple, easy-to-read summary of the community rules each year and explaining why those rules exist—whether for safety, fairness, or preserving property values. Send friendly reminders through newsletters or emails and make it easy for owners to ask questions. When issues arise, begin with a courteous heads-up and offer a clear path to correct the problem before taking formal action. Consistent, respectful communication fosters trust, reduces conflict, and turns enforcement into cooperation.

6. Common Mistakes To Avoid

1. Committee not properly formed (not on agenda/no board motion)
2. No 14-day notice or hearing (required by §§718.303(3)(b), 720.305(2)(b))
3. Wrong committee makeup (directors/employees/relatives serving)
4. Post-hearing timing missed (HOA: notice in seven days; payment ≥ 30 days; Condominium: fine due five days after notice)
5. Exceeding caps (Condominium hard cap \$100/day, \$1,000 total; HOA docs may allow more)
6. Lien mistakes (Condominium: never; HOA: only $\geq \$1,000$ and if docs authorize)
7. Poor records (no minutes/ledger/evidence).

7. Quick Reference Checklist

1. Verify violation and document evidence.
2. Send 14-day written notice of hearing.
3. Hold hearing before independent three-member committee.
4. Committee votes—approve or reject.
5. Provide written notice of outcome (condominiums: within five days due; HOAs: notice within seven days, due in 30).
6. Record in official records and update fines ledger.
7. Apply suspensions or further enforcement only as statutes permit.

Fining should promote compliance, not punishment. Boards that follow the precise steps in §718.303 and §720.305—documenting violations, sending timely notice, holding impartial hearings, and respecting statutory limits—will ensure their enforcement actions are fair, defensible, and legally valid.