

CHAPTER 2020-189

Committee Substitute for House Bill No. 597

An act relating to the Tri-Par Estates Park and Recreation District, Sarasota County; amending ch. 2001-343, Laws of Florida; authorizing the board of trustees to adopt and enforce certain rules and regulations governing the use of district facilities and prescribe penalties for violations of such rules and regulations; providing requirements for such penalties; providing an effective date.

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

Section 1. Paragraphs (g) and (h) of section 15 and section 17 of section 3 of chapter 2001-343, Laws of Florida, are amended to read:

Section 15. The trustees shall supervise all real and personal property owned by the district, and shall have the following powers in addition to those already herein enumerated:

(g) To adopt and enforce promulgate reasonable rules and regulations governing the use of the facilities of the district as provided in chapter 418, Florida Statutes, and to prescribe penalties for violations of such rules and regulations.

1.a. The rate of such penalties shall be fixed by a resolution of the board of trustees, as hereinafter provided, but may not exceed \$100 per violation against any property owner, or any authorized licensee or invitee of the property owner, for the failure of the property owner or its occupant, licensee, or invitee to comply with any provision of the rules and regulations of the district.

b. A fine may be levied by the board for each day of a continuing violation, with a single notice and opportunity for hearing, not to exceed a cumulative total maximum of \$1,000.

c. A fine may not become a lien against the property.

2.a. Penalties for the failure of the property owner or its occupant, licensee, or invitee to comply with any provision of the rules and regulations of the district may include suspension, for a reasonable period of time, of the right of a property owner, or any authorized licensee or invitee of the property owner, to use common areas and facilities. A suspension may not exceed 10 days per violation.

b. A suspension may not prohibit an owner or occupant of a property from having vehicular and pedestrian ingress to and egress from the property, including, but not limited to, the right to park a vehicle.

c. This subparagraph does not apply to that portion of common areas used to provide access or utility services to the property.

3.a. A fine or suspension levied by the board of trustees may not be imposed unless the board first provides at least 14 days' notice to the property owner and, if applicable, to any occupant, licensee, or invitee of the property owner sought to be fined or suspended and an opportunity for a hearing before a committee of at least three property owners appointed by the board who are not officers, trustees, or employees of the district, or the spouse, parent, child, brother, or sister of an officer, trustee, or employee.

b. The role of the committee is limited to determining whether to confirm or reject the fine or suspension levied by the board.

c. If the proposed fine or suspension levied by the board is approved by the committee, the fine payment is due 5 days after notice of the approved fine is provided to the property owner and, if applicable, to any occupant, licensee, or invitee of the property owner. If the committee, by majority vote, does not approve a proposed fine or suspension, the proposed fine or suspension may not be imposed.

d. If a property owner and, if applicable, any occupant, licensee, or invitee of the property owner is more than 90 days delinquent in paying the fine, the district may suspend the rights of the property owner, or the occupant, licensee, or invitee of the property owner, to use common areas and facilities until the fine is paid in full. This sub-subparagraph does not apply to that portion of common areas used to provide access or utility services to the property. A suspension may not prohibit an owner or occupant of a property from having vehicular and pedestrian ingress to and egress from the property, including, but not limited to, the right to park a vehicle. The notice and hearing requirements under this paragraph do not apply to a suspension imposed under this sub-subparagraph.

(h) To use district funds in the administration and enforcement of the deed restrictions as filed in the Sarasota County public records for properties within the district, and to prescribe such penalties or exercise such enforcement remedies as may be provided for in the deed restrictions.

Section 17. A record shall be kept of all meetings of the board of trustees and in such meetings a concurrence of a majority of said trustees shall be necessary to any affirmative action taken by the board. Said trustees may adopt such rules, and regulations, and penalties, not inconsistent with any portion of this act and applicable law, as it may deem necessary or convenient in and about the transaction of its business and in carrying out the provisions of this act.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 9, 2020.

Filed in Office Secretary of State June 9, 2020.