FREE CHECKLIST FOR FLORIDA HOMEOWNERS AND CONDOMINIUM UNIT OWNERS

Florida HOA & Condo Dispute Checklist

What to do first, what to gather, and the deadlines that decide most disputes.

Almost every dispute with an association is decided by documents: what the declaration says, what the board sent you, what you sent back, and when. Homeowners who arrive organized get better answers, faster, and pay less for them. This checklist tells you what to do in the first days and what to collect for your kind of problem. It applies to homeowners' associations (Chapter 720, Florida Statutes) and condominiums (Chapter 718); where the two differ, both rules are given.

First: three things to do this week

1

Keep paying assessments.

Withholding is not a defense in Florida; it starts interest, fees, a lien, and foreclosure. Pay the undisputed amount on time and dispute the rest in writing.

2

Put everything in writing.

Respond to notices by letter or e-mail, keep proof of delivery, and stop relying on phone calls with the manager. What is not in writing did not happen.

3

Find the deadline.

Every notice carries one, whether it says so or not: a hearing date, a payment date, days to respond. Write the date at the top of the notice and calendar it.

HOA (Chapter 720)

You own your lot and house; the association maintains the common areas. No state regulator. Fines up to $100/day and $1,000 total unless the documents say otherwise; a fine of $1,000 or more can become a lien. Records due in 10 business days. Most disputes go to presuit mediation first.

Condominium (Chapter 718)

You own the inside of your unit and a share of everything else; the association maintains the common elements. Regulated by the Division of Condominiums. Fines capped at $100 per violation and $1,000 total; a fine can never become a lien. Records due in 10 working days. Owners can send a written inquiry the board must answer in 30 days.

Gather these for every dispute

- [ ] **The notice that started it** (violation letter, fine notice, collection letter, denial, lien) with the envelope or e-mail header. The date it was received starts every clock, and the way it was delivered is often the association's first mistake.
  Keep the original; photograph both sides of the envelope.

- [ ] **Your deed and closing date.** Decides which amendments bind you and whether a rental or other restriction was adopted before or after you bought.
  County official records or your closing package.
- [ ] **The recorded declaration with every amendment.** The declaration controls over the bylaws and the rules; most board positions fail or succeed on one paragraph of it.
  County clerk's official records search (free), the association website (required for HOAs of 100+ parcels and condos of 25+ units), or a records request.
- [ ] **Articles, bylaws, and the current rules,** plus the minutes of the meeting where any rule you are accused of breaking was adopted. A rule never properly adopted, or one that conflicts with the declaration, is unenforceable.
  Association website or records request.
- [ ] **Your account ledger,** every statement and invoice, and proof of every payment. Fines, late fees, interest, and attorney fees are challenged line by line.
  Request the ledger in writing; it is an official record in both types of community.
- [ ] **Every letter and e-mail to and from the board or manager,** in date order. Admissions, changed positions, and the timeline of what the association knew all live here.
- [ ] **Dated photographs and video** of the condition at issue, taken more than once over time, and of the same condition at other homes or units if you are being singled out.
- [ ] **Minutes and notices** for every meeting where the board discussed your issue, adopted the assessment, or approved the rule, with the notice of that meeting and the affidavit of mailing.
  Records request. Minutes are permanent records in a condominium and kept seven years in an HOA.
- [ ] **The association's insurance policies** (for any property-damage or repair dispute) and, for a condominium, the current budget and reserve schedule.
- [ ] **A one-page timeline** you write yourself: date, what happened, who said it, what document proves it. Use the template on page 4.

Then add what your dispute needs

A fine or violation notice

- [ ] The 14-day notice of the proposed fine and hearing. Check that it describes the violation and (HOA) the cure and the hearing date.
- [ ] Names of the fining committee members and how they were appointed. Directors, officers, employees, and their spouses, parents, children, and siblings may not serve.
- [ ] Proof of cure with dated photos. In an HOA, a cure before the hearing bars the fine.
- [ ] The committee's written decision (HOA: due within 7 days, with a payment date at least 30 days out).
- [ ] Where the fine was posted on your ledger and what was added to it.

Selective enforcement

- [ ] Addresses or unit numbers of others doing the same thing, with dated photos over time.
- [ ] The association's violation and fine records for that restriction (records request).
- [ ] Minutes showing the board knew about the other violations.
- [ ] Any prior approval you received, and who gave it.
- [ ] Any community-wide notice announcing that enforcement would begin, and when you got it.

A repair the association will not make

- [ ] Your written reports of the problem, in order, with proof of delivery. In a condominium, a written inquiry sent by certified mail forces a written answer within 30 days.
- [ ] Photos, moisture readings, and any inspection or mold report you obtained.
- [ ] The declaration's maintenance and unit-boundary provisions and any maintenance matrix.
- [ ] The association's engineering reports, repair contracts, bids, and insurance claim file (records request).
- [ ] Receipts for mitigation, temporary repairs, and alternative housing, and a log of days the home was unusable.
- [ ] Your own HO-6 or homeowner's policy and claim correspondence.

An architectural denial

- [ ] Your application and everything submitted with it.
- [ ] The written denial. An HOA must cite the specific covenant and the specific nonconforming feature.
- [ ] The architectural standards in effect and the declaration provision creating the committee.
- [ ] Photos of similar improvements the association has allowed.

A special assessment or disputed balance

- [ ] The 14-day mailed notice of the meeting where it was adopted (condo notices must state the purpose and estimated cost) and the affidavit of mailing.
- [ ] The minutes of that meeting and the vote.
- [ ] The declaration's assessment article: does the board need a member vote above a threshold?
- [ ] The ledger showing how each payment was applied (interest, late fee, fees, then assessment).
- [ ] The 30-day notice of late assessment, if any attorney fee has been charged.

A lien, collection letter, or foreclosure

- [ ] Every collection notice with its envelope: notice of late assessment, notice of intent to lien, claim of lien, notice of intent to foreclose.
- [ ] Proof of every payment, including any the association returned or refused.
- [ ] The lien itself (county records): amounts, dates, signature.
- [ ] The complaint and the date you were served. You have 20 days to respond.
- [ ] HOA only: the qualifying-offer option (notarized, stays the case up to 60 days) if you can pay.

A records request that was ignored

- [ ] Your written request and proof of the date it was received.
- [ ] A dated log of what was produced and what was not.
- [ ] The association's checklist of records made available (condo; required).
- [ ] Your written follow-up after the deadline listing what is still missing.

A rental restriction

- [ ] Your deed date and the amendment's recording date.
- [ ] The ballots, proxies, or consents for the amendment vote (did you vote yes?).
- [ ] Your leases going back to purchase.
- [ ] Any tenant-approval denial and its stated reason.

An election or recall

- [ ] All election notices with dates (condo: 60-day first notice, 14–34-day second notice).
- [ ] Ballots, envelopes, sign-in sheets, and proxies (kept one year).
- [ ] The count and who conducted it.

Communications log

One line per contact, in either direction. Attach the document.

DATE	WHO	HOW (LETTER, E-MAIL, CERTIFIED MAIL, CALL)	WHAT WAS SAID OR SENT	PROOF

Timeline of the dispute

Start with the first thing that happened and work forward. Note the document that proves each entry.

DATE	WHAT HAPPENED	WHO WAS INVOLVED	DOCUMENT THAT PROVES IT

Preparing to talk to an attorney

Bring

- [ ] The notice that started the dispute and any letters or e-mails that came with it.
- [ ] Your declaration, bylaws, and rules. Get them from the association or its website; the consultation is far more useful with them in hand.
- [ ] Every response and communication you have received from the association about the issue.
- [ ] If the dispute is about an assessment, a lien, or foreclosure: your account ledger and proof of your payments.
- [ ] Photos of anything relevant, especially any damage.
- [ ] Your timeline of the dispute (page 4).

Be ready to answer

- [ ] What is the current status of the dispute?
- [ ] What has the association told you, and when?
- [ ] Has anyone else in the community done the same thing?
- [ ] What outcome are you seeking? What would you consider a win?

Fillable records requests and a condominium written inquiry, plus plain-English guides to each of the subjects above, are at **pmlawfla.com/hoa-condo-resource/**.

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