

RULE 1.221. HOMEOWNERS' ASSOCIATIONS AND CONDOMINIUM ASSOCIATIONS

A homeowners' or condominium association, after control of such association is obtained by homeowners or unit owners other than the developer, may institute, maintain, settle, or appeal actions or hearings in its name on behalf of all association members concerning matters of common interest to the members, including, but not limited to:

- (1) the common property, area, or elements;
- (2) the roof or structural components of a building, or other improvements (in the case of homeowners' associations, being specifically limited to those improvements for which the association is responsible);
- (3) mechanical, electrical, or plumbing elements serving a property or an improvement or building (in the case of homeowners' associations, being specifically limited to those elements for which the association is responsible);
- (4) representations of the developer pertaining to any existing or proposed commonly used facility;
- (5) protests of ad valorem taxes on commonly used facilities; and, in the case of homeowners' associations,
- (6) defense of actions in eminent domain or prosecution of inverse condemnation actions. If an association has the authority to maintain a class action under this rule, the association may be joined in an action as representative of that class with reference to litigation and disputes involving the matters for which the association could bring a class action under this rule. Nothing herein limits any statutory or common law right of any individual homeowner or unit owner, or class of such owners, to bring any action that may otherwise be available. An action under this rule shall not be subject to the requirements of rule 1.220.

Committee Notes

1980 Adoption. The present rule relating to condominium associations [1.220(b)] is left intact but renumbered as rule 1.221.

2007 Amendment. Consistent with amendments to section 720.303(1), Florida Statutes, homeowners' associations have been added to the rule.

