

To:
Ruggieri Law Firm
Counsel for Lake Griffin Estates HOA

Dear Counsel,

Thank you for your recent explanation of the Association's enforcement practices. I have reviewed your statements alongside Florida Statute 720, and I am requesting legal clarification on several points. This letter is directed specifically to your office because the questions below pertain to legal interpretation, not Board governance.

1. Statutory Basis for Imposing Attorney Fees Without a Hearing

Florida Statute 720.305(2)(a) requires that a homeowner receive:

- Notice of a potential monetary charge,
- An opportunity for a hearing,
- Due-process protections before any monetary obligation is imposed.

Please clarify the legal basis for imposing attorney fees arising from an alleged violation without providing the statutorily required hearing.

2. Recovery of Attorney Fees Under FS 720.305(1)

The statute states that attorney fees and costs may be charged to a homeowner only after the Association has "prevailed" in a legal action.

Please explain the statutory or case-law authority supporting your position that pre-litigation attorney fees are recoverable when:

- No legal action has been filed, and
- No prevailing party has been established.

3. Legal Distinction Between "Legal Fees" and Fines

When a monetary charge is imposed pre-litigation in response to an alleged violation, please clarify the legal distinction that allows these charges to be treated as recoverable “legal fees” rather than fines or penalties—particularly when the underlying purpose appears identical.

4. Governing Documents Cannot Override State Law

Your letter references Article IX of the Declaration. Please clarify the legal basis for treating provisions of the governing documents as authority to bypass:

- The hearing requirement under FS 720.305,
- The “prevailing party” requirement under FS 720.305(1).

Please confirm whether your legal guidance involved an analysis of the statutory limits placed on governing documents.

5. Legal Justification for an Automatic Attorney-Escalation System

If all unresolved violations are referred immediately to your office — triggering attorney-fee charges to homeowners — please explain how this system complies with the due-process protections required under Chapter 720.

I appreciate your willingness to clarify these legal points and look forward to your written response.

Sincerely,
Edwin Roman
134 Savannah Park Loop
Lake Griffin Estates Parcel Owner