



758282

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/14/2009	.	
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The Committee on Regulated Industries (Diaz de la Portilla) recommended the following:

1           **Senate Amendment to Amendment (626528) (with directory**  
2 **amendment)**

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4           Between lines 411 and 412  
5 insert:

6           (b)1. Board directors may be recalled by an agreement in  
7 writing or by written ballot without a membership meeting. The  
8 agreement in writing or the written ballots, or a copy thereof,  
9 shall be served on the association by certified mail or by  
10 personal service in the manner authorized by chapter 48 and the  
11 Florida Rules of Civil Procedure.



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12           2. The board shall duly notice and hold a meeting of the  
13 board within 5 full business days after receipt of the agreement  
14 in writing or written ballots. At the meeting, the board shall  
15 either certify the written ballots or written agreement to  
16 recall a director or directors of the board, in which case such  
17 director or directors shall be recalled effective immediately  
18 and shall turn over to the board within 5 full business days any  
19 and all records and property of the association in their  
20 possession, or proceed as described in paragraph (d).

21           3. When it is determined ~~by the department~~ pursuant to  
22 binding arbitration proceedings that an initial recall effort  
23 was defective, written recall agreements or written ballots used  
24 in the first recall effort and not found to be defective may be  
25 reused in one subsequent recall effort. However, in no event is  
26 a written agreement or written ballot valid for more than 120  
27 days after it has been signed by the member.

28           4. Any rescission or revocation of a member's written  
29 recall ballot or agreement must be in writing and, in order to  
30 be effective, must be delivered to the association before the  
31 association is served with the written recall agreements or  
32 ballots.

33           5. The agreement in writing or ballot shall list at least  
34 as many possible replacement directors as there are directors  
35 subject to the recall, when at least a majority of the board is  
36 sought to be recalled; the person executing the recall  
37 instrument may vote for as many replacement candidates as there  
38 are directors subject to the recall.

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41 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

42 And the directory clause is amended as follows:

43       Delete lines 214 - 218

44 and insert:

45       Section 2. Paragraph (b) of subsection (2),  
46 paragraphs (a) and (c) of subsection (5), paragraphs  
47 (b), (c), (d), (f), and (g) of subsection (6), and paragraphs (b)  
48 and (d) of subsection (10) of section 720.303, Florida Statutes,  
49 are amended, and subsection (12) is added to that section, to  
50 read: