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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/28/2011	.	
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The Committee on Community Affairs (Ring) recommended the following:

Senate Amendment (with title amendment)

Between lines 1568 and 1569
insert:

Section 16. Subsection (9) of section 720.306, Florida Statutes, is amended to read:

720.306 Meetings of members; voting and election procedures; amendments.—

(9) ELECTIONS AND BOARD VACANCIES.—Elections of directors must be conducted in accordance with the procedures set forth in the governing documents of the association.

(a) All members of the association are eligible to serve on



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13 the board of directors, and a member may nominate himself or
14 herself as a candidate for the board at a meeting where the
15 election is to be held or, if the election process allows voting
16 by absentee ballot, in advance of the balloting. However:

17 1. A person who is delinquent in the payment of any fee,
18 fine, or other monetary obligation to the association for more
19 than 90 days is not eligible for board membership.

20 2. A person who has been convicted of any felony in this
21 state or in a United States District or Territorial Court, or
22 has been convicted of any offense in another jurisdiction which
23 would be considered a felony if committed in this state, is not
24 eligible for board membership unless such felon's civil rights
25 have been restored for at least 5 years as of the date on which
26 such person seeks election to the board. The validity of any
27 action by the board is not affected if it is later determined
28 that a member of the board is ineligible for board membership
29 due to having been convicted of a felony.

30 (b) Except as otherwise provided in the governing
31 documents, boards of directors must be elected by a plurality of
32 the votes cast by eligible voters.

33 (c) Any election dispute between a member and an
34 association must be submitted to mandatory binding arbitration
35 with the division. Such proceedings must be conducted in the
36 manner provided by s. 718.1255 and the procedural rules adopted
37 by the division.

38 (d) Unless otherwise provided in the bylaws, any vacancy
39 occurring on the board before the expiration of a term may be
40 filled by an affirmative vote of the majority of the remaining
41 directors, even if the remaining directors constitute less than



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42 a quorum, or by the sole remaining director. In the alternative,
43 a board may hold an election to fill the vacancy, in which case
44 the election procedures must conform to the requirements of the
45 governing documents.

46 (e) Unless otherwise provided in the bylaws, a board member
47 appointed or elected under this section is appointed for the
48 unexpired term of the seat being filled.

49 (f) Filling vacancies created by recall is governed by s.
50 720.303(10) and rules adopted by the division.

51
52 ===== T I T L E A M E N D M E N T =====

53 And the title is amended as follows:

54 Delete line 74

55 and insert:

56 at a noticed board meeting; amending s. 720.306, F.S.;
57 providing limitations on who may serve on the board of
58 directors of a homeowners' association; amending s.
59 720.3085,