

1                   A bill to be entitled  
 2           An act relating to homeowner association recalls;  
 3           providing a short title; amending s. 720.303, F.S.;  
 4           requiring the voting interests of a homeowner  
 5           association to physically reside in the community in  
 6           order to recall a board director; providing an  
 7           effective date.

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 9   Be It Enacted by the Legislature of the State of Florida:

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 11           Section 1. This act may be cited as the "Community Recall  
 12 Act."

13           Section 2. Paragraphs (a) and (c) of subsection (10) of  
 14 section 720.303, Florida Statutes, are amended to read:

15           720.303 Association powers and duties; meetings of board;  
 16 official records; budgets; financial reporting; association  
 17 funds; recalls.—

18           (10) RECALL OF DIRECTORS.—

19           (a)1. Regardless of any provision to the contrary  
 20 contained in the governing documents, subject to the provisions  
 21 of s. 720.307 regarding transition of association control, any  
 22 member of the board of directors may be recalled and removed  
 23 from office with or without cause by a majority of the total  
 24 voting interests who physically reside in the community.

25           2. When the governing documents, including the

26 | declaration, articles of incorporation, or bylaws, provide that  
27 | only a specific class of members is entitled to elect a board  
28 | director or directors, only that class of members may vote to  
29 | recall those board directors so elected.

30 |       (c)1. If the declaration, articles of incorporation, or  
31 | bylaws specifically provide, the members may also recall and  
32 | remove a board director or directors by a vote taken at a  
33 | meeting. If so provided in the governing documents, a special  
34 | meeting of the members to recall a director or directors of the  
35 | board of administration may be called by 10 percent of the  
36 | voting interests who physically reside in the community giving  
37 | notice of the meeting as required for a meeting of members, and  
38 | the notice shall state the purpose of the meeting. Electronic  
39 | transmission may not be used as a method of giving notice of a  
40 | meeting called in whole or in part for this purpose.

41 |       2. The board shall duly notice and hold a board meeting  
42 | within 5 full business days after the adjournment of the member  
43 | meeting to recall one or more directors. At the meeting, the  
44 | board shall certify the recall, in which case such member or  
45 | members shall be recalled effective immediately and shall turn  
46 | over to the board within 5 full business days any and all  
47 | records and property of the association in their possession, or  
48 | shall proceed as set forth in paragraph (d).

49 |       Section 3. This act shall take effect July 1, 2019.