

By Senator Torres

15-01726-19

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

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

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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.