

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
 2 Representative La Rosa offered the following:

4 **Amendment (with title amendment)**

5 Remove lines 834-927 and insert:

6 (g) An amendment prohibiting parcel owners from renting
 7 their homes, altering the duration of the rental term, or
 8 specifying or limiting the number of times parcel owners are
 9 entitled to rent their homes during a specified period applies
 10 only to parcel owners who consent individually or through their
 11 representative to the amendment and parcel owners who acquire
 12 title to their homes after the effective date of that amendment.

13 (5) NOTICE OF MEETINGS.—The bylaws shall provide for
 14 giving notice to members of all member meetings, and if they do
 15 not do so shall be deemed to provide the following: The
 16 association shall give all parcel owners and members actual
 17 notice of all membership meetings, which shall be mailed,

Amendment No. 3

18 delivered, or electronically transmitted to the members not less
19 than 14 days prior to the meeting. Evidence of compliance with
20 this 14-day notice shall be made by an affidavit executed by the
21 person providing the notice and filed upon execution among the
22 official records of the association. In addition to mailing,
23 delivering, or electronically transmitting the notice of any
24 meeting, the association may, by reasonable rule, adopt a
25 procedure for conspicuously posting and repeatedly broadcasting
26 the notice and the agenda on a closed-circuit cable television
27 system serving the association. When broadcast notice is
28 provided, the notice and agenda must be broadcast in a manner
29 and for a sufficient continuous length of time so as to allow an
30 average reader to observe the notice and read and comprehend the
31 entire content of the notice and the agenda. Pursuant to s.
32 720.303, associations with 7,500 parcels or more must place a
33 copy of all notices of meetings on the association's website at
34 least 14 days before the hearing.

(9) ELECTIONS AND BOARD VACANCIES.—

36 (a) Elections of directors must be conducted in accordance
37 with the procedures set forth in the governing documents of the
38 association. An association with 7,500 parcels or more must
39 allow association members to vote in the election of directors
40 at a designated location from 7 a.m. to 7 p.m. on the day of the
41 election.

42 (b) Except as provided in paragraph (c) ~~(b)~~, all members
43 of the association are eligible to serve on the board of

Amendment No. 3

44 directors, and a member may nominate himself or herself as a
45 candidate for the board at a meeting where the election is to be
46 held; provided, however, that if the election process allows
47 candidates to be nominated in advance of the meeting, the
48 association is not required to allow nominations at the meeting.
49 An election is not required unless more candidates are nominated
50 than vacancies exist. Except as otherwise provided in the
51 governing documents, boards of directors must be elected by a
52 plurality of the votes cast by eligible voters. Any challenge to
53 the election process must be commenced within 60 days after the
54 election results are announced.

55 (c)~~(b)~~ A person who is delinquent in the payment of any
56 fee, fine, or other monetary obligation to the association on
57 the day that he or she could last nominate himself or herself or
58 be nominated for the board may not seek election to the board,
59 and his or her name shall not be listed on the ballot. A person
60 serving as a board member who becomes more than 90 days
61 delinquent in the payment of any fee, fine, or other monetary
62 obligation to the association shall be deemed to have abandoned
63 his or her seat on the board, creating a vacancy on the board to
64 be filled according to law. For purposes of this paragraph, the
65 term "any fee, fine, or other monetary obligation" means any
66 delinquency to the association with respect to any parcel. A
67 person who has been convicted of any felony in this state or in
68 a United States District or Territorial Court, or has been
69 convicted of any offense in another jurisdiction which would be

Amendment No. 3

70 considered a felony if committed in this state, may not seek
71 election to the board and is not eligible for board membership
72 unless such felon's civil rights have been restored for at least
73 5 years as of the date on which such person seeks election to
74 the board. The validity of any action by the board is not
75 affected if it is later determined that a person was ineligible
76 to seek election to the board or that a member of the board is
77 ineligible for board membership.

78 (d)~~(e)~~ Any election dispute between a member and an
79 association must be submitted to mandatory binding arbitration
80 with the division. Such proceedings must be conducted in the
81 manner provided by s. 718.1255 and the procedural rules adopted
82 by the division. Unless otherwise provided in the bylaws, any
83 vacancy occurring on the board before the expiration of a term
84 may be filled by an affirmative vote of the majority of the
85 remaining directors, even if the remaining directors constitute
86 less than a quorum, or by the sole remaining director. In the
87 alternative, a board may hold an election to fill the vacancy,
88 in which case the election procedures must conform to the
89 requirements of the governing documents. Unless otherwise
90 provided in the bylaws, a board member appointed or elected
91 under this section is appointed for the unexpired term of the
92 seat being filled. Filling vacancies created by recall is
93 governed by s. 720.303(11) ~~720.303(10)~~ and rules adopted by the
94 division.

Amendment No. 3

95 (e) An outgoing board member, or a board member who has
96 been recalled pursuant to s. 720.303(11), must relinquish all
97 official records and property of the association in his or her
98 possession or under his or her control, including administrative
99 rights or controls of an association's website or other digital
100 or electronic asset of the association, to the incoming board at
101 within 5 days after the election or, in the case of a recall,
102 within 5 days after the recall is effective as provided in s.
103 718.303(11).

104
105 -----
106 **T I T L E A M E N D M E N T**

107 Remove line 29 and insert:
108 providing duties of an outgoing or recalled board
109 member; amending