

By Senator Torres

15-01355-17

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1 A bill to be entitled
2 An act relating to homeowners' associations; amending
3 s. 720.306, F.S.; providing requirements for the
4 election of members of the board of directors for
5 associations in specified communities; providing an
6 effective date.

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

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10 Section 1. Paragraph (d) is added to subsection (9) of
11 section 720.306, Florida Statutes, to read:

12 720.306 Meetings of members; voting and election
13 procedures; amendments.—

14 (9) ELECTIONS AND BOARD VACANCIES.—

15 (d) The governing documents shall provide that, for the
16 election of directors for a community with 7500 parcels or more:

17 1. At least 60 days before a scheduled election, the
18 association shall mail, deliver, or electronically transmit, by
19 separate association mailing or included in another association
20 mailing, delivery, or electronic transmission, including
21 regularly published newsletters, to each parcel owner entitled
22 to a vote, a first notice of the date of the election. The
23 notice must include instructions for an owner to nominate
24 himself or herself as a candidate for the board.

25 2. A parcel owner or other eligible person desiring to be a
26 candidate for the board must give written notice of his or her
27 intent to be a candidate to the association at least 40 days
28 before a scheduled election.

29 3. In addition to the written notice as set forth in

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30 subsection (5), the association shall mail, deliver, or
31 electronically transmit a second notice of the election to all
32 parcel owners entitled to vote, including a ballot that lists
33 all candidates.

34 4. Upon request of a candidate, an information sheet, no
35 larger than 8 1/2 inches by 11 inches which must be furnished by
36 the candidate at least 35 days before the election, must be
37 included with the mailing, delivery, or electronic transmission
38 of the ballot. The association shall bear the costs associated
39 with the mailing, delivery, or electronic transmission and
40 copying of the information sheet. In order to reduce costs, the
41 association may print or duplicate the information sheet on both
42 sides of the paper. The association is not liable for the
43 contents of the information sheet prepared by a candidate.

44 5. The board shall by rule establish voting procedures
45 consistent with this paragraph, including rules establishing
46 procedures for giving notice by electronic transmission.

47 6. Elections shall be decided by a plurality of ballots
48 cast. There is no quorum requirement; however, at least 20
49 percent of the eligible voters must cast a ballot or vote in
50 person or by limited proxy in order to have a valid election.

51 7. Members may not vote by general proxy but may vote by
52 secret ballot or by limited proxy in an election of directors,
53 as determined by the board. If an election is conducted by
54 secret ballot, the provisions of paragraph (8) (b) apply.

55 8. The election of directors shall be held on the date of
56 the annual meeting.

57 Section 2. This act shall take effect July 1, 2017.