



Conducting Elections

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DBPR Approval Number 9633248

This course, "Conducting Elections," offered by Gray Systems, Incorporated, is designed to equip participants with essential knowledge and skills for effectively managing meetings within community associations. Approved by the Department of Business and Professional Regulation, (9633248) this course provides three hours of continuing education credit, making it a valuable opportunity for professionals in the field.

Participants can expect to gain insights into best practices for meeting organization, facilitation, and follow-up, ensuring that community meetings are productive and compliant with relevant regulations. The course emphasizes the importance of clear communication, agenda setting, and member engagement, all crucial for fostering a collaborative community environment.

It is important to note that while this course provides valuable information, it does not substitute for professional legal or accounting advice. Participants are encouraged to seek the guidance of qualified professionals for specific legal or financial matters related to community associations.

By completing this course, attendees will enhance their ability to conduct effective meetings, ultimately contributing to the success and harmony of their community associations.

Fred R. Gray, President

Instructions For Completing the Electronic Correspondence Course

Course Overview

- Duration: 3 hours of continuing education.
- License Period: 2024 – 2026.
- Requirement: Satisfies the 3-hour elective requirement.

Examination Details

- Format: 10-question open-book exam.
- Passing Criteria: Must answer at least 8 questions correctly (80%).
 - Submission: Complete the exam electronically from your GSI Dashboard and return it via email or fax to GSI.

Certification Process

- Reporting: GSI will report your completion to the Department of Business and Professional Regulations within 24 hours of receiving your exam.
- Certificate of Completion: You will receive this via email. Keep it for your records.
- No Need to Submit: You do not need to send the certificate to DBPR; GSI will handle that.

Additional Information

- You can check your continuing education credits at www.graysystems.com

If you have any specific questions or need further assistance regarding the course or examination, feel free to ask!

We appreciate your feedback and are glad to hear that you find the "find" feature in the download versions helpful. If you have any further questions or need assistance in the future, please don't hesitate to reach out to us at (800) 223-5457 or gsi@graysystems.com. We're here to help and look forward to supporting you in your educational journey. Best wishes for your success!

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Part I

Introduction of The Corporate Concept and the Community Association

The Purpose of the Community Association

Every community association—whether a condominium, cooperative, or homeowners' association—exists for one basic purpose: **to maintain and protect the community's property and to support successful community living.**

Although associations aren't governmental bodies, they operate very much like one. They create rules, enforce standards, collect revenues, and provide services that benefit all residents. To do this effectively, the association must act as a **management entity**, and Florida law requires that entity to be structured as a **corporation**.

When someone buys a home or unit in the community, they automatically become a corporate member.

In most cases, these associations are formed as **not-for-profit corporations**, meaning their purpose is to operate the community—not to generate profit.

The Association as a Legal Entity

The association itself is the **legal and governing body** of the community. It is responsible for:

- Maintaining and repairing the common property
- Enforcing the governing documents
- Managing the financial and business affairs of the corporation

While all owners make up the membership, **members do not run the association.**

Management authority is placed in the hands of a **board of directors**, chosen by the owners through elections.

Owners can express opinions and participate in meetings, but they do not make management decisions. If owners are unhappy with the board's performance, their remedy is to elect a new board—not to interfere with board authority.

The board carries the full responsibility of managing the association in the best interest of all owners. The board also elects officers—such as the president, secretary, and treasurer—who handle day-to-day operations.

Responsibility of Individual Association Members

Owners must:

- Use and maintain their property in accordance with the community's documents
- Follow all rules and restrictions
- Ensure their guests, tenants, and family members follow the same rules

When a buyer purchases a unit, they enter into a binding agreement to comply with the covenants and the rules of the community. That commitment extends to everyone who resides with them or uses the property on their behalf.

Responsibility for Maintenance

Each association's documents define which portions of the property the association maintains and which portions owners must maintain.

- **Condominiums and Cooperatives:**

The association typically maintains all physical structures and common elements, while owners maintain the interior of their units.

- **Homeowners' Associations (HOAs):**

The association generally maintains the common grounds. However, many HOA documents expand this responsibility to include items such as lawns, driveways, roofs, or exterior building maintenance.

The board may hire a community association manager or management company to perform certain duties.

But the board **cannot delegate its final decision-making authority**. The board remains legally responsible for all community operations.

Requirement of Good Faith

Florida law requires board members to perform their duties:

- In good faith
- With the level of care a reasonably prudent person would use in similar circumstances
- In the best interest of the association

Board members can be held legally accountable for their decisions. However, they may rely on professional advice from:

- Attorneys
- Engineers
- Accountants
- Reserve specialists
- Other qualified experts

The governing documents outline the association's powers, duties, and decision-making authority.

Board members must follow the documents as well as the statutes.

Required Officers

Florida corporate law requires that each corporation have officers as stated in the Articles or Bylaws. Under the Condominium and Cooperative Acts, at a minimum, the association must have:

- President
- Secretary

- Treasurer

Florida corporate law technically allows one person to hold all three positions, but this is rarely practical and generally discouraged. The duties of each office are too different, and owners typically prefer a distribution of responsibilities.

The Community Association Defined

A community association is any type of residential association where:

- Ownership of a home or unit automatically includes membership in the association
- Membership is mandatory
- Members share ownership or use of common property

The association exists to manage that common property and to govern the community according to its recorded documents.

The style of the buildings—townhomes, villas, high-rises, or subdivisions—does not determine the association type.

The developer chooses the legal structure during creation and records the governing documents to establish the association.

Common Property and Appurtenances

Common property is shared property available for use by all owners. Each type of association defines it differently:

- **Condominiums:**

Common property is owned collectively by all owners as “common elements.”

Limited common elements—such as balconies or assigned parking spaces—are reserved for specific units.

- **Cooperatives:**

The cooperative corporation owns all property. Members receive usage rights through the documents and their share ownership.

- **Homeowners' Associations:**

The association typically owns the common areas for the benefit of all owners and their guests.

Owners have rights, but those rights cannot interfere with the lawful rights of others.

Right to Use Property

Owners and their lawful guests may use the common property in accordance with the documents.

In condominiums, if the owner leases the unit, the owner's use rights transfer to the tenant for the duration of the lease. The owner then may only use the property as a guest.

Appurtenances—the rights that automatically accompany ownership—may include:

- Undivided share in common elements and surpluses
- Voting rights and association membership
- Club membership rights, if applicable
- Exclusive right to the airspace of the unit
- Limited common elements
- Exclusive use areas
- Any rights defined in the documents

These rights travel with the title to the unit.

Not-for-Profit Corporate Law (Chapter 617, F.S.)

Most associations are formed under **Chapter 617**, Florida Statutes, as not-for-profit corporations. This provides:

- Legal protections
- A corporate management structure
- The ability to enter contracts, sue, borrow money, and manage property

“Not-for-profit” does **not** mean tax-exempt.

Associations must still file state and federal tax returns and pay taxes if they have taxable income.

Chapter 617 outlines the powers available to these corporations—many of which are also granted or modified by Chapters 718, 719, and 720.

Powers of Associations

Unless restricted by the Articles or Bylaws, not-for-profit corporations may:

- | | |
|---|---|
| 1. Operate perpetually under their corporate name | 9. Acquire, use, and sell property |
| 2. Sue and be sued | 10. Hold intellectual property |
| 3. Use a corporate seal | 11. Transfer or mortgage assets |
| 4. Appoint officers and agents | 12. Acquire interests in other entities |
| 5. Adopt and amend bylaws | 13. Lend and invest money (except to officers/directors) |
| 6. Increase the number of directors | 14. Make charitable contributions |
| 7. Enter contracts, borrow money, and issue obligations | 15. Exercise any necessary powers to achieve corporate purposes |
| 8. Operate within or outside Florida | 16. Merge with other qualifying entities |

These powers provide the framework for governing the community.

Law Governing Joint Ownership Communities

Florida has three primary community association types:

1. Condominiums — Chapter 718
2. Cooperatives — Chapter 719
3. Mandatory Homeowners' Associations — Chapter 720

Timeshare communities may also fall under one of these structures.

1. Condominiums (Chapter 718)

A condominium is created when the developer records a **Declaration of Condominium**.

Condo ownership includes:

- Fee simple ownership of the unit
- Undivided share of common elements
- Mandatory membership in the association

2. Cooperatives (Chapter 719)

Legal title to the property is held by the cooperative corporation.

Owners purchase a **share** in the corporation and receive the right to occupy a unit under a proprietary lease.

3. Mandatory HOAs (Chapter 720)

An HOA is a Florida corporation in which:

- Membership is made up of parcel owners
- Membership is mandatory
- The association can impose assessments that become liens if unpaid

The HOA is created by recording a **Declaration of Covenants**, along with Articles of Incorporation and Bylaws.

Owners are bound to these documents and the financial and operational obligations they create.

The Corporate Management Concept

The association is the **management arm** of the community. It operates the common property and governs in accordance with the corporate documents and statutes.

Transparency is a foundational principle.

Associations must conduct business in the open so owners may observe and participate where allowed by law.

Owners elect representatives—the board—and the board manages the corporation.

Board meetings are generally open to owners, with only limited exceptions permitted by statute.

Understanding the corporate management concept is essential because everything the association does—meetings, budgets, elections, rule enforcement—flows from this structure.

Part II.

Requirements for Conducting Elections in Homeowners' Associations

Electing the Board of Directors



In a homeowners' association, the election process for board members is driven entirely by the governing documents—your articles of incorporation, your bylaws, or both.

Most HOAs elect directors at the **annual meeting**, but the documents may also allow special meetings to fill vacancies between elections.

When the documents outline a process, that process controls.

Developer Control and Transition Elections

When a community is first created, the **developer appoints the initial board** and continues to control it until transition to the owners. The timing and method for this turnover is normally stated in the original governing documents drafted by the developer.

Owners (other than the developer) are entitled to elect **at least one director** once **50% of all parcels** in all phases of the community have been conveyed to owners.

For communities created **after June 14, 1995**, section 720, F.S., provides a **statutory transition schedule** requiring:

- Owners (other than the developer) to elect **a majority of the board**, and

- The election to occur **within three months** after **90% of the parcels** have been conveyed to non-developer owners.

However, the documents may specify another transition trigger if required by a governmental or mortgage-financing entity.

Other statutory triggers for transition include:

1. **Developer abandonment or desertion.**

A rebuttable presumption of abandonment exists if the developer has unpaid assessments or guarantee obligations under §720.308, F.S., for **more than two years**.

2. **Developer bankruptcy.**

Filing a Chapter 7 bankruptcy petition triggers transition.

3. **Loss of title through foreclosure or deed in lieu.**

Transition occurs unless the successor owner affirmatively accepts assignment of developer rights.

4. **Appointment of a receiver.**

If a court-appointed receiver is not discharged within **30 days**, control transfers unless the court finds that turnover would be detrimental to the association.

Important note: “Members other than the developer” does **not** include builders, contractors, or other parcel purchasers who acquire lots for construction and resale. During transition, the developer may continue to elect **one director** if it still owns **at least 5%** of the parcels in all phases.

After turnover, the developer votes like any other member—**except** it cannot retake control or elect most directors.

For communities established **before June 14, 1995**, the governing documents control and may provide for an earlier transition; if so, the documents prevail.

Regular or Special Elections



Your HOA's governing documents determine how and when elections are conducted.

If an election is required, it typically occurs **at the annual meeting**, unless the documents require a **special meeting** to fill certain vacancies. If so, the board **must** call that special meeting and conduct the election exactly as the documents require.

Board Eligibility

Eligibility rules come from the **articles** or **bylaws**.

Florida law does **not** require a director to be:

- A parcel owner,
- A resident of Florida, or
- A member of the association,

unless the governing documents impose such requirements.

Members may nominate themselves as candidates at the election meeting unless the documents provide an advance-nomination process.

Elections are normally decided by **plurality vote**—the highest vote-getters fill the available seats. A majority vote is **not** required.

Statutory disqualifications include:

- **Delinquency:** Anyone more than **90 days** delinquent in paying any monetary obligation to the association is **ineligible**.
- **Felony conviction:** A person convicted of a felony is ineligible unless civil rights were restored for **at least 5 years** before seeking election.

If someone later turns out to be ineligible, it does **not** invalidate any prior board actions.

Ownership situations

- If a parcel has **multiple owners**, each owner may serve on the board, even though the parcel has only one vote.
- If a parcel is owned by a **corporation or entity**, eligibility depends entirely on what the documents state—some require the voting representative to serve; others allow the entity to designate an officer or other natural person.

If the documents require directors to be “members,” and the entity itself is the member, the parcel might not be eligible for board representation unless the documents allow designation of a natural person.

Number of Board Members



The number of directors is established in the **articles or bylaws**.

Under Chapter 617, F.S., an HOA (as a not-for-profit corporation) must have **at least three directors**, but the documents may require more.

Membership may vote to increase or decrease the size of the board.

Most associations prefer an **odd number** to avoid tie votes.

Term of Board Membership

Director terms are defined in the governing documents.

If the documents do **not** provide for staggered terms, the statute requires that **all director terms expire at the next annual meeting**—meaning all seats are filled every year.

Many associations adopt **staggered multi-year terms** to maintain continuity and retain institutional knowledge.

Conducting the Election

Chapter 720 does **not** prescribe a detailed election procedure.

Most HOAs follow a standard approach:

- Use a nominating committee (if allowed),
- Prepare a slate of candidates, and
- Hold the vote at the annual meeting.

The documents ultimately govern.

Nominating Committee

Many bylaws allow the board to appoint a nominating committee to recruit qualified candidates. While helpful, this system can be controversial because it may appear to “pre-select” favored candidates. This is why, in the condominium statute, nominating committees are prohibited—and HOA law ensures that **any owner may nominate themselves from the floor**, unless the documents expressly require advance nominations.

Even when a committee exists, it should remain neutral and encourage participation. Members not chosen by the committee may still nominate themselves.

If the process requires advance nominations, then **floor nominations are not required** at the meeting.

If the number of candidates is equal to or fewer than the available seats:

- No election is required.
- Write-ins are not permitted.
- Those candidates automatically take office, **even if a quorum is not achieved** at the annual meeting.

Notice of Meeting, Voting Certificates and Proxies

Once the candidate list is finalized, the association must issue notice of the election meeting.

Notices often include:

- Meeting information,
- Candidate names, and
- Optionally, short candidate résumés.

Owners who cannot attend may vote by **proxy** if the documents allow it.

If voting certificates are required (for parcels with multiple owners or corporate owners), the election committee must verify voting authority before accepting ballots.

Results are normally announced **at the end of the meeting**, even though the election is effective immediately—this allows the outgoing board to finish conducting the meeting.

Secret Ballot Elections

If the documents permit **secret ballots** for absentee voters:

1. The completed ballot goes inside an **inner envelope** with **no identifying marks**.
2. That inner envelope goes inside an **outer envelope** that includes:
 - The member's name,
 - The lot/parcel number, and
 - The owner's signature.

If the member is eligible and only **one ballot** is submitted for that parcel, the inner envelope is removed, mixed with the in-person ballots, and counted.

If **more than one ballot** is submitted for a parcel, **all ballots** for that parcel are disqualified.

Ballots received **after** the cutoff-time may not be counted.

Organizational Meeting

Immediately following the adjournment of the annual meeting, the new board typically holds an **organizational meeting** to:

- Elect officers,
- Update banking authorizations, and
- Handle housekeeping items to ensure a smooth transition.

Vacancies on the board

Unless the bylaws say otherwise:

- Vacancies may be filled by a **majority vote of the remaining directors**, even if they no longer constitute a quorum.
- If no directors remain, the vacancy may be filled by the membership or by the **circuit court**.

A director appointed to fill a vacancy serves the **remainder of the unexpired term**.

If the board size increases, the directors appointed to new seats serve until the **next election** (unless the bylaws specify otherwise).

Recall (Removal) of Board Members

Any director may be recalled with or without cause by a majority of the total voting interests. If a certain class of members elects a specific director, only that class may vote to recall that director.

Recalls may occur:

- By written agreement or written ballot, or
- **At a membership meeting**, if allowed by the documents.

Recall by Written Agreement / Ballot

- Signed recall agreements/ballots must be **served on the association** by certified mail or personal service.
- The board must meet within **five full business days** to **certify or reject** the recall.

If certified:

- The recall is **immediate**, and
- The director must turn over all records and property within **five full business days**.

If not certified:

- The board must file for DBPR binding arbitration within five full business days.

Arbitration determines whether the recall stands. If the recall is certified by the arbitrator, it becomes effective upon mailing of the final order.

Recall ballots may be reused **once** if the initial recall is ruled defective, but never more than **120 days** after being signed.

Members may revoke their recall vote **before** the association is served with the recall documents.

When recalling most of the board, the recall instrument must list at least as many replacement candidates as there are directors being recalled.

Recall by Meeting (If Documents Permit)

- A special recall meeting may be called by **10% of the voting interests**.
- The notice must state the purpose and **may not be sent electronically**.

The board must hold a certification meeting within **five full business days** after the recall meeting adjourns.

If vacancies occur:

- If **less than a majority** of directors are removed → remaining directors fill the vacancies.

- If a **majority or more** are removed → replacement directors are elected by the members.

If the board fails to meet within the required timeframe, the recall becomes **automatically effective**.

A court may order a recalled director to surrender office and association property.

Board minutes documenting the recall decision are official records and must include:

- Date and time of meeting,
- The vote on each director, and
- For each rejected vote, the parcel number and specific reason.

Multiple directors must be voted on **separately**.

Required Officers

Officers are elected by the **board**, not the membership.

Board officer elections may be conducted by **secret ballot**—the only board vote permitted by secret ballot.

Officer positions and terms come from the **articles or bylaws**, and unless stated otherwise, are elected **annually**.

Condominium and cooperative law requires a president, secretary, and treasurer; HOA law does not mandate specific positions, but most associations use the same structure.

One officer must be assigned responsibility for:

- Preparing minutes, and
- Authenticating corporate records.

A single person may hold multiple officer positions simultaneously.

Resignation and Removal of Officers

An officer may resign at any time by delivering written notice.

The resignation is effective upon delivery unless the notice states a later effective date.

If a future effective date is accepted, the board may appoint a successor who takes office on that date.

The board may remove an officer **with or without cause**.

Any officer appointed by another officer may likewise be removed by that officer.

Part III.

Requirements for Conducting Elections in Condominiums and Cooperatives

Electing the Board

Elections in **condominiums and cooperatives** are governed by:

- The Florida Statutes, and
- The Florida Administrative Code.

These statutory and rule-based procedures are mandatory **unless** the association qualifies for, and has properly adopted, an alternative procedure under:

- §718.112(2)(d)7., F.S. (condominiums), or
- §719.106(1)(d)5., F.S. (cooperatives).

These provisions allow an association with **10 or fewer units** to amend its bylaws to use a **different voting procedure**. If that small-association opt-out has not been properly adopted, the statutory election process must be followed exactly.

Eligibility to Serve on the Board

In both condominiums and cooperatives, the **articles of incorporation** or **bylaws** establish who is eligible to serve on the board.

The statutes themselves do **not** require that a director:

- Be a unit owner,
- Be a member of the association, or
- Live in Florida,

unless the association's governing documents say so.

Co-Owners in Associations with More Than 10 Units

For condominium and cooperative associations with **more than 10 units**:

- Co-owners of the same unit may not serve on the board at the same time, unless:
 1. They own more than one unit, or
 2. There are not enough eligible candidates to fill all board vacancies at the time of the election.

This restriction does **not** apply to **timeshare condominiums**.

Other Eligibility Restrictions

A person is **not eligible** to run for or serve on the board if:

- They have been suspended or removed from the board by the Division of Florida Condominiums, Timeshares and Mobile Homes.
- They are **delinquent** in the payment of **any assessment obligation** to the association.
- They have been:
 - Convicted of a **felony** in Florida or in a U.S. District or Territorial Court, or
 - Convicted of an offense elsewhere that would be a felony if committed in Florida,

unless that person's civil rights have been restored for **at least five years** as of the date they seek election.

Units Owned by Corporations or Other Entities

Where a unit is owned by a **corporation** or another **artificial entity**:

- The articles or bylaws determine whether that entity may designate a **natural person** as a board candidate.
- Some documents say the **voting representative** is eligible; others allow a corporate **officer** or another designated person.

If the documents require that directors be “members,” and they do not explain how an artificial entity is represented, a unit owned by a corporation or similar entity may end up with **no board representation** unless the documents are amended.

Term of Office

The **term of office** for condominium and cooperative directors is set by the association’s articles or bylaws.

If the documents do **not** provide for staggered terms, the statutes say that **all directors’ terms expire at the next annual meeting**, requiring that **all seats be filled each year**.

Many associations adopt **staggered terms**, for example:

- Three-year terms,
- With only a portion of the board elected each year.

This helps maintain continuity and keeps experienced directors on the board.

Special Rules for Condominium Associations (Non-Timeshare)

Except for timeshare condominiums:

- The terms of all board members expire at the adjournment of the annual meeting.
- Board members may serve **longer than one year** if the bylaws or articles allow it.

However, a condominium director may not serve **more than eight (8) consecutive years, unless:**

- The director is approved by an affirmative vote of unit owners representing **two-thirds of all votes cast** in that election, **or**
- There are not enough eligible candidates to fill the vacancies at the time of the election.

Only board service **after July 1, 2018** counts toward the eight-year limit.

If, at the annual meeting, the number of board members whose terms expire is **equal to or greater than** the number of qualified candidates, then:

- Those candidates automatically become board members upon adjournment of the meeting.
- Any **remaining vacancies**, unless the bylaws provide otherwise, are filled by the **affirmative vote of a majority of the newly constituted board**, even if that board does not constitute a quorum or if there is only one director.

The Election Process Timeline

Sections 718.112(2)(d)7., F.S. (condominiums) and 719.106(1)(d)5., F.S.

(cooperatives) establish a very specific election timeline, which must be followed:

Election Timeline

60 Days In Advance of Election		First Notice of Election
40 Days In Advance of Election		Deadline for Notices of Candidacy
35 Days In Advance of Election		Deadline for Candidate Information Sheets
14 Days In Advance of Election		Notice of Membership Meeting with Second Notice of Election and Election Materials

Ground Rules for Condominium and Cooperative Elections

The statutory election procedures:

- Apply to **all elections of directors** in condominiums and cooperatives,
- Override any conflicting provisions in the documents, and
- Do **not** apply to filling vacancies caused by **recall**, unless the documents specifically require the association to use the statutory election process for recall-related vacancies.

The Division has adopted rules addressing **vacancies created by recall**.

Opt-Out for Associations with 10 or Fewer Units

Under §§718.112(2)(d)8. and 719.106(1)(d)5.:

- A condominium or cooperative with **10 or fewer units** may **opt out** of the statutory election procedure.
- To do so, the association must approve a **bylaw amendment** that provides a different election process.

Key points:

- The change must be approved by a majority of the total voting interests,
- The vote may be cast **by proxy**, but the proxy must specifically describe the **new election and voting procedures**, and
- This majority-of-the-entire-voting-interests requirement controls, even if the bylaws would normally require a **higher percentage** for amendments.

The alternative voting procedure may allow elections to be conducted using **general or limited proxies**.

The statute also provides that **no election is required** if the number of eligible candidates **does not exceed** the number of vacancies. In that situation, the association simply **announces the new board members** at the membership meeting.

Regular vs. Other Elections

- A **regular or general election** is the annual election held to fill seats of directors whose terms have expired.
- Other elections may occur in connection with special or other membership meetings.

Search Committees

Recognizing that some associations struggle to find candidates, the rules allow a **search committee** which may:

- Seek out and encourage qualified members to become candidates,

- But may not nominate anyone.

The nomination process remains strictly controlled by statute and rule.

Conducting the Election

Step 1 – First Notice of Election (60-Day Notice)

The association must send or deliver the **First Notice of Election at least 60 days** before the scheduled election.

This notice:

- Tells owners that an election will be held,
- Explains how the election will be conducted, and
- Explains how an owner can become a candidate.

If the association fails to send this notice in time, any election held is **null and void**.

Note: This is **not** the official notice of the annual meeting.

It is a **separate election notice**.

The First Notice must include the **legal name** of the association and its **correct mailing address**.

Candidate Notices – 40-Day Deadline

Any unit owner or other eligible person who wants to run for the board must give **written notice** to the association **not less than 40 days** before the election.

Written notice is effective when **received** by the association and may be delivered by:

- Electronic transmission (copying costs are borne by the association)
- Certified mail, return receipt requested
- Personal delivery
- Regular U.S. mail
- Facsimile (fax)
- Telegram

- Any other method of delivery to the association

The association must give a **written receipt** for notices that are personally delivered. All candidate notices must be in the association's hands by the 40-day deadline.

If, at the end of the 40th day:

- The number of candidates is **equal to** or **fewer than** the number of vacancies, then:

- No election is required, and
- Those candidates are deemed elected and will be announced as directors at the membership meeting.

In a **condominium**, if **no one** expresses an interest in a board seat that is expiring:

- The incumbent whose term expires is **automatically reappointed**,
- And does **not** have to run for re-election.

Candidate Information Sheets – 35-Day Deadline

Any qualified candidate may submit a **one-page information sheet at least 35 days** before the election, along with the required signed **certification form**. The information sheet may include:

- Background,
- Education, and
- Any other qualifications the candidate believes are relevant.

Requirements:

- The sheet may not exceed a standard **8½" x 11"** page.
- It may be printed on **one side only**.
- The association may not edit, alter, or otherwise modify the content.

If the association fails to include a timely-submitted information sheet in the Second Notice mailing, **any election held is null and void**.

Step 2 – Second Notice of Election (with Annual Meeting Notice)

The Second Notice:

- Is mailed or delivered with the official notice of the annual meeting,
- Must be sent at least **14 days before** the meeting (or earlier if the documents require a longer notice), and
- Must include:
 - Any timely-submitted candidate information sheets,
 - The signed certification form (or forms as required), and
 - A ballot listing all candidates in alphabetical order.

The ballot may not include:

- Any endorsement,
- Any indication of preference, or
- Any write-in spaces—write-ins are not permitted.

The Second Notice package should also include:

- A smaller #9 envelope (the ballot envelope), and
- A larger #10 envelope (the return envelope).

Instructions for Ballots and Envelopes

The voter should be clearly instructed to:

1. Mark the ballot,
2. Place the completed ballot into the **smaller #9 ballot envelope**, which may say:
 - “Ballot envelope,” and
 - Directions such as:
 - “Place ballot only in this envelope.”
 - “Do not sign the ballot.”
 - “Do not sign this envelope.”
3. Place the sealed ballot envelope into the **larger #10 return envelope**.

The outer return envelope must:

- Be addressed to the association (or its designated ballot recipient),
- Provide space for the **unit number**, and
- Provide a **signature line** for the voter.

Owners must be warned that if they fail to **sign the outer envelope**, it will be marked “**disregarded**” and **not counted**.

For owners of **multiple units**:

- A separate ballot and ballot envelope must be provided for each unit.
- Multiple ballot envelopes may then be placed in a **single** signed return envelope.

Return envelopes may be mailed or hand-delivered. All such envelopes:

- Are collected and secured by the association, and
- Are **not opened** until the proper time described below.

Handling Ballots and Envelopes

- All envelopes received before the meeting must be brought to the meeting **unopened**.
- Additional ballots must be available at the meeting for owners who have not yet voted.
- Ballots cast at the meeting must follow the **same inner/outer envelope** procedure.

At the meeting:

1. The **first order of business** is collecting any remaining ballots.
2. The **second order of business** is verifying signatures and unit numbers against the list of qualified voters.

The association may choose to **pre-verify** signatures and unit identifications before the meeting:

- An **impartial committee** (no directors, officers, or candidates) is appointed by the board.

- The committee may meet on the date of the election, with proper notice.
- The meeting must be open to all unit owners.
- The committee checks each outer envelope's:
 - Signature, and
 - Unit identification,
 against the list of eligible voters.
- Each voter is checked off as having voted.
- Any envelope without a proper signature is marked “**disregarded**” and will not be counted.

Pre-verified envelopes are then transported to the meeting for opening and counting.

Opening and Counting Ballots

At the meeting:

- Any envelopes not pre-verified must be checked in the same way; if not properly signed/identified, they are marked “**disregarded.**”
- In the presence of all owners in attendance—**whether or not a quorum is present**—the outer envelopes are opened.
- Once opening of envelopes begins, the **polls are closed**.
- Inner ballot envelopes are removed and placed into a receptacle.
- Inner envelopes are then opened and ballots are removed and counted in the presence of any unit owners who wish to observe.

If an inner envelope contains **more than one ballot**, none of the ballots in that envelope are counted; the envelope is marked “**disregarded.**”

All envelopes and ballots are retained as **official records** and must be kept for at least **one year**.

The **candidates receiving the most votes** fill the available board positions.

To have a **valid election**, at least **20% of the unit owners** must cast ballots.

Electronic Voting in Condominium Director Elections

If at least **25% of the voting interests** of a condominium petition the board to adopt electronic voting for the **next scheduled election**:

- The board must hold a meeting to adopt a resolution for electronic voting **within 21 days** after receiving the petition.
- The petition must be received **within 180 days** of the date of the last scheduled annual meeting.

Unless the association has formally adopted electronic voting procedures:

1. The association must designate an **e-mail address** to receive electronically transmitted ballots; and
2. Electronically transmitted ballots must meet all statutory requirements.

A unit owner may send an electronically transmitted ballot to the designated e-mail address **without** following the standard secret-ballot envelope process, but:

- The association **must count** any completed electronic ballot that complies with statutory requirements.

Required Contents of an Electronically Transmitted Ballot

Each ballot sent by e-mail must include:

- (a) A space for the unit owner to type in **his or her unit number**.
- (b) A space for the unit owner to type in **his or her first and last name**, which also serves as the **signature** for the ballot.
- (c) The following statement, in **capitalized letters** and in a **larger font size** than any other text in the association's e-mail to the unit owner:

WAIVING THE SECRECY OF YOUR BALLOT IS YOUR CHOICE. YOU DO NOT HAVE TO WAIVE THE SECRECY OF YOUR BALLOT IN ORDER TO VOTE. BY TRANSMITTING YOUR COMPLETED BALLOT THROUGH E-MAIL TO THE ASSOCIATION, YOU WAIVE THE SECRECY OF YOUR COMPLETED BALLOT. IF

YOU DO NOT WISH TO WAIVE YOUR SECRECY BUT WISH TO PARTICIPATE IN THE VOTE THAT IS THE SUBJECT OF THIS BALLOT, PLEASE ATTEND THE IN-PERSON MEETING DURING WHICH THE MATTER WILL BE VOTED ON.

(d) The unit owner must transmit the completed ballot to the association's designated e-mail address **no later than** the scheduled date and time of the meeting at which the matter will be voted on.

(e) There is a **rebuttable presumption** that the association has reviewed **all folders** associated with the designated e-mail account if a board member, officer, association agent, or a **CAM licensed under Part VIII of Chapter 468** provides a sworn affidavit attesting that all such folders were reviewed.

Board Member Certification

Newly elected or appointed condominium and cooperative directors must complete specific certification requirements within **90 days** of taking office.

Each director must provide the **secretary of the association** with:

1. **A written certification** stating that the director has:
 - Read the declaration, articles, bylaws, and current written policies;
 - Will work to uphold those documents to the best of their ability; and
 - Will faithfully discharge their **fiduciary duty** to the members.
2. A certificate of satisfactory completion of a four-hour educational curriculum offered by a Division-approved education provider.

A director who does not provide either the written certification or the educational certificate within the 90-day period is **automatically suspended from board service** until they comply. The board may **temporarily fill** the seat during the director's suspension.

Recordkeeping Requirements

- **Homeowners' associations** must retain the director's certification or education certificate for **five years** after the director's election.
- Condominiums and cooperatives must retain the certification for five years or for the entire period of uninterrupted service, whichever is longer.

Failure to maintain these documents does **not** invalidate any actions of the board.

Additionally, **condominium board members** must complete a **one-hour continuing education course each year** covering changes to the Condominium Act.

Board Vacancies

Unless the bylaws provide otherwise:

- A vacancy on the board may be filled by an **affirmative vote of the remaining directors**, even if they constitute **less than a quorum**, or by the **sole remaining director**, if applicable.
- A director appointed or elected to fill a vacancy serves the **remainder of the unexpired term** of the departing director.
- If the number of directors increases, any new seat may be filled by the board **only until the next election** of directors, unless the association has no members or no voting members, in which case the articles or bylaws control.

Failure to Fill Vacancies - Receivership

If an association cannot fill enough vacancies to establish a **quorum**, the board essentially stops functioning—management, maintenance, and governance stall. When this occurs in a condominium or cooperative, **any unit owner** may begin the process to petition the court for the appointment of a **receiver**. A receiver temporarily takes over the duties of the board.

Notice Requirements Before Filing for Receivership

A unit owner who intends to petition for a receiver must:

1. Provide written notice to the association by **certified mail** or **personal delivery**,
2. **Post** the notice in a conspicuous place on the condominium property, and
3. Provide the same notice to **every unit owner** by certified mail or personal delivery.

All three notice requirements must be completed **at least 30 days before** filing the petition.

Mailing requirements:

- Notices to unit owners must be mailed to the address used by the **county property appraiser**.

- If the owner’s address is not publicly available, the notice must be mailed to the **unit itself**.

If the association fails to fill the vacancies within these 30 days, the unit owner may proceed with the court petition.

After the Receiver Is Appointed

Once a court appoints a receiver:

- The receiver must provide written notice of the appointment to **all unit owners** within **10 days**.
- Notices must be mailed to the owner’s property appraiser address.

The association is responsible for:

- The receiver’s compensation,
- Court costs, and
- Attorney’s fees.

The receiver holds all powers and duties of the board until:

- The association successfully fills enough board seats to restore a quorum, and
- The court formally discharges the receiver.

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Part IV. Delinquency, Enforcement, and Recall Procedures

Delinquencies and Felony

In a **condominium association**, if a director or officer becomes more than **90 days delinquent** in paying a **regular assessment**, that person is deemed to have **abandoned the office**. This creates a **vacancy**, which must be filled according to Chapter 718, Florida Statutes.

In **all associations**, if a director or officer is charged with:

- Felony theft, or
- An **embezzlement offense** involving the association's funds or property,

that person must be **removed from office**, creating a vacancy to be filled according to the applicable condominium provisions.

While criminal charges are **pending**, the person:

- May **not be appointed** to the board, and
- May **not be elected** to serve as a director or officer.

If the criminal case is resolved **without a finding of guilt**, the director or officer must be **reinstated** to serve out the remainder of their term.

Division Enforcement Against Officers and Directors

The Division of Florida Condominiums, Timeshares and Mobile Homes, within the DBPR, has authority to take action against individual officers and directors.

If an officer or board member **willfully and knowingly** violates:

- The Condominium or Cooperative Act,
- A duly adopted rule, or
- A final order of the Division,

the Division may:

- Impose a **civil penalty** on that individual, and
- Order the **removal** of the officer or director; and
- Prohibit the individual from serving as an officer or board member of a community association for a specified period.

“Willfully and knowingly” means:

- The Division has informed the officer or board member that their conduct (or intended conduct) violates a statute, rule, or final order; and
- The officer or board member **refuses** to comply.

Before initiating formal enforcement, the Division must give the officer or director an opportunity to **voluntarily comply**.

If the person complies within **10 days**, no civil penalty may be imposed.

Civil penalties may be assessed **per day of continuing violation**, but the penalty for any one offense may **not exceed \$5,000**.

Recall for Condominiums and Cooperatives – General Guidance

The recall process for condominium and cooperative board members is **complex** and highly **technical**, governed by both:

- Florida Statutes, and
- The Florida Administrative Code.

What follows is a **summary** of the rules and procedures. Because recall is so detail-sensitive, the association should **only undertake a recall** with the assistance of **competent legal counsel**.

Recall of a Developer Representative

When both:

- The developer and
- Other unit owners

are entitled to representation on the board:

The recall and replacement of developer-appointed or developer-elected directors involves only the developer.

Key points:

- Only **units owned by the developer** count toward a **quorum** at any recall meeting to remove a developer's representative.
- A **majority of the total units owned by the developer** is required to recall that developer-appointed/elected director.
- A director elected or appointed by the developer may be recalled **only by the developer**.
- Only the developer may vote, **in person or by limited proxy**, to fill a vacancy left by a recalled developer representative.

Recall of a Unit Owner Representative

When both developer representatives and non-developer unit owner representatives sit on the board, the recall of **unit-owner-elected directors** follows separate rules:

- Only units owned by **unit owners other than the developer** may be counted to establish a **quorum** at the recall meeting.
- A **majority of the total units** owned by non-developer owners is required to recall a director elected by those owners.
- A director who was **elected by non-developer owners** may be recalled **only by those owners**, not by the developer.
- Only non-developer unit owners may vote, in person or by limited proxy, to fill a vacancy for a director who was elected by them.

If the **declaration** provides that a particular **class of unit owners** (for example, owners of a specific phase or type) is entitled to elect one or more directors:

- That same class of unit owners **alone** may vote to recall or remove those directors.

Recall of Board Members at Membership Meeting

When both developer representatives and non-developer unit owner representatives sit on the board, the recall of **unit-owner-elected directors** follows separate rules:

- Only units owned by **unit owners other than the developer** may be counted to establish a **quorum** at the recall meeting.
- A **majority of the total units** owned by non-developer owners is required to recall a director elected by those owners.
- A director who was **elected by non-developer owners** may be recalled **only by those owners**, not by the developer.
- Only non-developer unit owners may vote, in person or by limited proxy, to fill a vacancy for a director who was elected by them.

If the **declaration** provides that a particular **class of unit owners** (for example, owners of a specific phase or type) is entitled to elect one or more directors:

- That same class of unit owners **alone** may vote to recall or remove those directors.

Noticing a Recall Meeting

Before a recall meeting is noticed:

1. A **signature list** must be circulated to obtain the signatures of **at least 10% of the voting interests**.
2. The list must clearly state:
 - That its purpose is to **call a unit owner meeting** to recall one or more board members; and
 - That if a majority or more of the board is successfully recalled, replacement board members will be elected at the same meeting.

The list must also:

- Provide spaces for each voting interest to fill in their **unit number, signature,** and **date of signature.**
- Identify, **by name,** each board member subject to recall—even if the recall effort targets all board members.
- Designate a person (not a director subject to recall) who will:
 - Determine whether a **quorum** is present,
 - Call the meeting to order, and
 - Preside over the meeting.

The list must include **at least as many eligible replacement candidates** as there are directors sought to be recalled, when a **majority or more** of the board is targeted.

Replacement candidates are **not listed** on the notice if a **minority** of the board is being recalled, because the **remaining directors** may appoint replacements.

The notice must also state that **nominations from the floor** for replacement board members will be accepted at the meeting.

This is **the only situation** in which floor nominations are allowed for condominiums and cooperatives.

The signature list used to call the meeting must be **attached** to the recall notice.

Mailing and Delivery of the Notice

- If the association is **incorporated**, the notice and list must be mailed or delivered to **all unit owners and to the board** at least **10 days before** the recall meeting, unless the condominium documents require a longer notice.
- If the association is **unincorporated**, the notice must be mailed or delivered according to the timing requirements in the condominium documents for unit owner meeting notices.

Once the board actually receives the notice, it becomes part of the **official records** of the association.

Electing Replacements

If the association is **incorporated**, the recall meeting must be held:

- No fewer than 10 days and
- No more than 60 days

after the notice is mailed or delivered, unless the condominium documents provide a different timeframe.

For **unincorporated** associations, the meeting must be held within the timeframe required by the condominium documents.

At the recall meeting:

1. After quorum is confirmed (proxies may count toward quorum), the presiding officer must also:
 - Designate, or allow the membership to elect, a **representative** to receive any pleadings (petitions, motions, notices, etc.) in the event the recall is later **disputed** by the board.
 - Designate or have the membership elect a person to **record the minutes**. This person may **not** be a board member subject to recall.
2. Each board member must be voted on **separately**, unless the declaration or bylaws provide otherwise.

When one or more board members are recalled at the unit owner meeting, vacancies are filled as follows:

- If a **majority or more** of the board is recalled:
 - Replacement directors take office **five full business days** after adjournment of the recall meeting, **if** the board does not hold a board meeting within those five business days to decide whether to **certify the recall**.

- If the board meets within five business days and **does not certify** the recall **and** fails to petition for arbitration, the new directors take office **five days after** that board meeting.
- If the board **certifies** the recall, the new directors take office **immediately**.
- If the board refuses to certify but petitions for arbitration and the arbitrator certifies the recall, the new directors take office immediately upon the arbitrator's decision.

Board Meeting to Consider Certification of Recall (Unit Owner Meeting Recall)

The board must **properly notice** the board meeting at which it will decide whether to **certify** the unit-owner-initiated recall.

Simply holding a recall meeting and voting does **not** create grounds for an “emergency” board meeting, as long as the board received proper notice of the recall meeting. The normal notice rules apply.

Certified recall (Condominiums/Cooperatives)

If the board votes to **certify** a recall following a unit owner meeting:

- The recall is effective **upon certification**.
- Each recalled director must deliver **all association records** in his or her possession to the board within **five full business days** after adjournment of the board meeting where the recall was certified.

If **less than a majority** of the board is recalled:

- The remaining directors may fill the vacancy or vacancies by **majority vote**, even if the governing documents are silent on this point.
- A recalled director may **not** be appointed to fill any vacancy on the board.

- Any appointed replacement director serves the **remainder of the unexpired term**.

If the board is unable or unwilling to fill the vacancies (because of tie votes, lack of quorum, or a decision not to appoint):

- The board may call and hold an **election** instead; those elected serve the **remainder** of the terms.

If a **majority or more** of the board is recalled in a certified recall:

- The replacement directors elected at the recall meeting take office upon **adjournment of the board meeting** at which the recall was certified.
- Each replacement director serves the **unexpired term** of the seat being filled.

If the board votes **not to certify** the recall:

- The board must file a **petition for arbitration** with the Division within **five full business days** after adjournment of the board meeting where that decision was made.
- Directors subject to recall must continue to serve, unless they resign, until the arbitrator issues a **final order**.

Depending on the arbitrator's decision:

- If the arbitrator certifies recall of **less than a majority**, the remaining board members may fill the resulting vacancies.
- If the arbitrator certifies recall of a **majority or more**, the replacement directors elected at the recall meeting serve the **remainder of the terms**.

Board Meeting Minutes – Recall Certification

The minutes of the board meeting where the board decides whether to certify a recall are **official association records**. They must include:

1. The **date and time** the meeting is called to order and adjourned.
2. Whether the recall was **certified**.
3. How any resulting **vacancies** will be filled.

4. If the recall is certified, a statement to that effect.
5. If the recall is **not** certified, the **specific reasons** for not certifying it.

Failure to Hold Required Board Meeting (Condo/Co-op Recall by Meeting)

If the board fails to duly **notice and hold** a board meeting to determine whether to certify the recall within **five full business days** after adjournment of the unit owner recall meeting:

- The recall is deemed **effective automatically** on the expiration of that five-business-day period.

If **most** of the board is recalled:

- Replacement board members elected at the unit owner meeting take office immediately once the five-business-day period expires.

If the **entire board** is recalled:

- Each recalled director must **immediately** turn over all association records in his or her possession to the new board.

If less than the entire board is recalled:

- Each recalled director must immediately return all association records to the **remaining board**.

Computation of “Five Full Business Days”

When counting five full business days:

- Do **not** count the day of the act or event that starts the period.
- Do not count Saturdays, Sundays, or legal holidays as business days.
- The **last day** of the period must be a business day (not a Saturday, Sunday, or legal holiday).

Example:

If the triggering event occurs on **Monday, January 9**, five full business days later would be **Tuesday, January 15**.

Recall of Directors by Written

Agreement (Condominiums/Cooperatives)

A **written agreement** used to recall one or more directors must:

- List by name each board member sought to be recalled, and
- Provide a place next to each name where the signer can indicate whether that director should be **recalled or retained**.

If a **majority or more** of the board is being recalled, the written agreement must also:

- Include a **ballot-style list** of at least as many eligible replacement candidates as there are directors being recalled, and
- Provide a space next to each candidate's name so the signer can vote for **as many replacement candidates** as there are directors being recalled.
- Provide a space for **write-in candidates**.

The written agreement must also provide spaces for:

- The signer's **name**,
- Unit number,
- Date of signature, and
- Signature,

so that the association can confirm that the signer is authorized to vote that unit.

The agreement must designate a **representative** to:

- Open the written agreements,
- Tally the votes,
- Serve copies of the agreements on the board, and

- Receive pleadings (petitions, notices, etc.) on behalf of the recalling owners if the recall is later disputed.

Service and Effectiveness

- The written agreement (or a copy) must be **served on the board** by certified mail or personal service.
- Service after **5:00 p.m.** on a business day, or on a Saturday, Sunday, or legal holiday, is deemed effective on the **next business day**.

Service on any of the following is considered service on the association:

- An officer,
- An association manager,
- A board member, or
- The registered agent.

Service on an attorney is **not** effective unless that attorney is:

- A board member,
- The registered agent, or
- Specifically retained to represent the association in the recall proceeding.

Personal service must comply with:

- Chapter 48, Florida Statutes, and
- Rule 1.410(c), Florida Rules of Civil Procedure (subpoena service procedures).

Once served, the written agreement (or copy) becomes an **official record** of the association.

Written recall ballots in a recall by written agreement:

- May be re-used in one subsequent recall effort, but
- Become **void** as to any director who is later elected in a regularly scheduled election.

They do **not** expire simply by passage of time, but they are **limited** in this way by subsequent elections.

Written recall ballots may be executed by:

- An individual holding a **power of attorney**, or
- A person holding a **limited proxy** from the unit owner(s) of record.

Any rescission of a unit owner's recall ballot must:

- Be in writing, and
- Be delivered to the board **before** the written agreements are served on the board.

After service on the board, any rescission or additional recall votes are **ineffective**.

Board Meeting to Consider Written Recall

The board must hold a **duly noticed board meeting** to determine whether to **certify** the recall by written agreement **within five full business days** after service of the written agreements.

It is presumed that service of the written agreements, by itself, does not create grounds for an "emergency" meeting; normal board-meeting notice rules apply.

If the board votes to **certify** the recall:

- The recall is effective **upon certification**.
- Each recalled director must deliver all association records in his or her possession to the board within **five full business days**.

If **less than most** of the board is recalled:

- Remaining directors may fill vacancies by **majority vote**, even if the documents do not specifically provide for this.
- No recalled director may be appointed to any vacancy.
- Appointed directors fill the **unexpired term** of the recalled seats.

If a **majority or more** of the board is recalled in a certified recall:

- Replacement directors elected by written agreement take office upon **adjournment** of the board meeting at which the recall was certified.
- These directors serve the **remainder of the terms** for the seats they fill.

If the board votes **not to certify** the written recall:

- It must file a **petition for arbitration** with the Division **within five full business days** after adjournment of the board meeting.
- Directors subject to recall must continue to serve, unless they resign, until the arbitrator issues a **final order**.

If the arbitrator certifies the recall:

- For less than most of the board → remaining directors fill vacancies.
- For a majority or more → the replacement directors elected via written agreement take office **upon mailing of the final order**, and serve the remaining terms of those seats.

If the board **fails to hold** the required certification meeting within five full business days after service:

- The recall becomes **effective automatically** at the end of those five business days.
- If most of the board is recalled, replacement directors elected by written agreement take office at that time.
- Recalled directors must **immediately** turn over all association records—either to the new board (if entire board recalled) or to the remaining board (if only some recalled).

The minutes of the board meeting at which recall is considered are official records and must include:

- Date and time called to order and adjourned,
- Whether the recall was certified,
- How vacancies will be filled, and

- If not certified, the **specific reasons**.

If the board initially refuses to certify the recall, and a director then resigns, any appointment to that seat is **temporary** pending arbitration.

Recall for Homeowners' Associations

For **homeowners' associations** (subject to §720.307, F.S., on transition of control):

- Any director may be recalled and removed, **with or without cause**, by a **majority of the total voting interests**, regardless of contrary language in the governing documents.

If a specific **class of members** elects one or more directors, only that class may recall those directors.

Recall by Written Agreement or Written Ballot

- Directors may be recalled by **agreement in writing** or by **written ballot**, without holding a membership meeting.
- The recall agreements or ballots (or copies) must be **served on the association** by certified mail or personal service consistent with **Chapter 48** and the Florida Rules of Civil Procedure.

Once the association receives the recall documents:

- The board must duly notice and hold a board meeting within five full business days.
- At that meeting, the board must either:
 - **Certify** the recall, or
 - Decline to certify and proceed to arbitration.

If the board **certifies** the recall:

- The recalled directors are removed **immediately**, and
- Each must turn over all association records and property within **five full business days**.

If the first recall attempt is found **defective** in arbitration:

- Any written agreements or ballots not found defective may be **reused once** in a subsequent recall effort, but
- No written agreement or ballot is valid for more than **120 days** after the member signs it.

Any rescission of a member's recall ballot or agreement must:

- Be in writing, and
- Be delivered to the association **before** the association is served with the recall documents.

If a recall effort seeks to remove **at least most** of the board:

- The recall instrument must list at least as many **replacement candidates** as there are directors being recalled.
- The signer may vote for as many replacement candidates as there are directors subject to recall.

Recall by Member Meeting (if Documents Allow)

If the governing documents permit recall **by vote at a meeting**:

- A special recall meeting may be called by **10% of the voting interests**.
- Notice must be given as required for any member meeting and must state that the purpose is to consider the recall of one or more directors.
- Electronic transmission may not be used to give notice of a recall meeting.

After a recall vote at such a meeting:

- The board must duly notice and hold a board meeting within **five full business days** after adjournment of the member meeting.
- At that board meeting, the board must **certify** the recall or, if it declines to certify, file a petition for arbitration.

If the board **certifies**, the recalled directors are removed immediately and must deliver all records and property to the association within **five full business days**.

If the board does **not certify** the recall (whether by written instrument or member vote) or fails to act, it must file a **petition for binding arbitration** with the Department **within five full business days** after the board meeting.

- The members who voted for recall—by meeting or written agreement—are treated as **one party** in the arbitration.

If the arbitrator **certifies** the recall:

- The recall is effective upon **mailing of the final order** to the association.
- Recalled directors must deliver all association records within **five full business days** after the effective date.

If vacancies result:

- If **less than most** of the board is removed → remaining directors fill the vacancies by **majority vote**, even if the documents say otherwise.
- If a **majority or more** is removed → vacancies must be filled by the **members who voted for the recall**.
 - If removal occurred at a meeting → vacancies are filled **at that meeting**.
 - If removal occurred by written agreement → replacement directors may be elected **on the same instrument**, following Division rules.

If the board fails to notice and hold a board meeting within five full business days after service of the recall instrument or after the recall meeting:

- The recall is deemed **effective**, and
- Recalled directors must **immediately** turn over all association records and property.

If the board fails to hold the required meeting or fails to file the required arbitration petition:

- The **unit owner representative** may file a petition within **60 days** after the five-day deadline.

- The Division's review is limited to whether:
 - Service on the board was proper, and
 - The recall agreements/ballots are facially valid.

If a removed director refuses to relinquish office or turn over records:

- The association may petition the **circuit court** where the association's principal office is located.
- The court may summarily order the director to surrender office and records.

Board meeting minutes for any recall-certification decision are **official records** and must include:

- Date and time of the meeting,
- The board's decision,
- The vote count on each director subject to recall, and
- For each rejected recall vote, the **parcel number** and the **specific reason** for rejection.

When recalling more than one director, the recall instrument or meeting vote must allow for a **separate vote for each one**.

A recalled director may file a petition challenging the validity of the recall, but:

- It must be filed within **60 days** after the recall is deemed certified.
- The association and the unit owner representative are named as respondents.
- The Division may **not** accept a recall petition:
 - When there are **60 or fewer days** until the director's scheduled re-election, or
 - When **60 or fewer days** have passed since the director's election.

Association Forms

HOWEY-IN-THE-HILLS HOMEOWNERS' ASSOCIATION, INC.

SAMPLE NOTICE OF MEMBERSHIP MEETING

- NOTICE OF MEMBERSHIP MEETING

To: All Members

- Notice is hereby given that (the Annual) (a Special) Meeting of the Members of Howey-in-the-Hills Homeowners' Association, Inc. will be held:

- DATE:** _____

TIME: _____

PLACE: _____

PURPOSE OF MEETING

- (If a *special* meeting, state the specific purpose(s).
Business at a special meeting is limited solely to the purposes listed.)

IMPORTANT INFORMATION

1. Voting

- (Modify to match your governing documents.)
Each parcel is entitled to **one vote**, which may be cast by the owner(s) or the designated voting representative.

2. Voting Certificates

- (Use if required by bylaws.)
If a parcel is owned by more than one person, or by a corporation, LLC, partnership, or trust, a **Voting Certificate** designating one person to cast the vote must be filed with the Association.
- A list of valid Voting Certificates on file is enclosed.
- If changes are needed, please complete and return the enclosed form.
- All parcel owners must sign the Voting Certificate.

3. Proxies

- If you cannot attend the meeting, please complete and return the enclosed **Proxy Form** so that quorum can be achieved and your vote may be cast on matters that allow proxies.
The proxy must be signed by **all owners** of the parcel, or by the designated voter named in a Voting Certificate.

4. Agenda

- The meeting agenda is enclosed.
Please bring all materials with you; additional copies will not be available at the meeting.

5. Owner List

- A list of all owners and their mailing addresses will be available for inspection at least **10 days prior to the meeting** and at the meeting, as required by law.

6. Posting

- This notice, with attached agenda, has been posted on the Association property in the designated posting location.

7. Organizational Board Meeting (if annual)

- An organizational meeting of the Board of Directors will be held immediately following the annual meeting. All owners may attend.

- DATED:** _____

HOWEY-IN-THE-HILLS HOMEOWNERS' ASSOCIATION, INC.

By: _____, **Secretary**

SAMPLE VOTING CERTIFICATE

- HOWEY-IN-THE-HILLS HOMEOWNERS' ASSOCIATION, INC.
VOTING CERTIFICATE
- We, the undersigned, being all owners of the following parcel:
Property Address / Parcel Number: _____
- designate the following person as the **authorized voter** for this parcel:
- **NAME OF AUTHORIZED VOTER (PRINT):** _____
SIGNATURE OF AUTHORIZED VOTER: _____
DATE: _____
- This designation remains in effect until replaced by a subsequent Voting Certificate.

Ownership Type (check and complete one)

1. Parcel owned by natural persons

- All owners must sign below:

2. Parcel owned by a corporation or LLC

- I am the President or Vice-President AND the Secretary or Assistant Secretary of:
Entity Name: _____
President/Vice-President: _____
Secretary/Asst. Secretary: _____

3. Parcel owned by a partnership

- I am the General Partner of:
Partnership Name: _____
General Partner Signature: _____

4. Parcel owned by a trust

- I am the Trustee of:
Trust Name: _____
Trustee Signature: _____

SAMPLE GENERAL PROXY FORM (HOA)

- HOWEY-IN-THE-HILLS HOMEOWNERS' ASSOCIATION, INC.
GENERAL PROXY
- **INSTRUCTIONS:**
If you cannot attend the meeting, please complete and return this proxy so your vote may be counted on matters that allow proxy voting and to help establish a quorum.
If a Voting Certificate is on file, only the designated voter may sign this proxy. Otherwise, **all owners** must sign.
- **Property Address / Parcel #:** _____
- I/We appoint:
(Name of Proxyholder): _____
OR, if left blank, the **Secretary of the Association**,
as my/our proxyholder to attend the Members' Meeting of **Howey-in-the-Hills Homeowners' Association, Inc.** to be held on:
- **DATE:** _____
TIME: _____
PLACE: _____
- This proxyholder has full authority to vote and act for me/us to the same extent as if personally present, with full power of substitution, except where limited by law.
- This proxy is valid for **90 days** from the date of the meeting and may be revoked at any time.

DATE: _____

- Owner Signature(s): _____

SUBSTITUTION OF PROXY

- (To be completed only if the original proxyholder designates a substitute.)
- The undersigned proxyholder designates:
Name: _____
as substitute proxyholder.
- **DATE:** _____
Proxyholder Signature: _____

SAMPLE BALLOT (HOA)

- HOWEY-IN-THE-HILLS HOMEOWNERS' ASSOCIATION, INC.
BALLOT FOR ELECTION OF DIRECTORS
- You may vote for up to _____ candidates.
Mark the box next to the names of your chosen candidates.
- ☐ _____
☐ _____
☐ _____
☐ _____
☐ _____

Write-In Candidates (optional):

- ☐ Name: _____
☐ Name: _____

- Do **not** sign this ballot.

Ballots must be placed in the envelope or box provided at the meeting.

SAMPLE LIMITED PROXY (HOA)

- (For budget, reserves, amendments, and other items where proxies are allowed.)
 - HOWEY-IN-THE-HILLS HOMEOWNERS' ASSOCIATION, INC.
LIMITED PROXY
 - **Property Address / Parcel #:** _____
 - I/We appoint:
(Name of Proxyholder): _____
OR the Secretary of the Association,
as my/our proxyholder with limited authority to vote on the issues listed below at the
Members' Meeting of the Association to be held on:
 - **DATE:** _____
TIME: _____
PLACE: _____
-

LIMITED VOTING AUTHORITY

- For your vote to count, you must clearly indicate your choice.
1. Election of Directors (If permitted by governing documents – most HOAs allow ballots, not proxies)
 - Vote for no more than _____ candidates:
 - ☐ _____
 - ☐ _____
 - ☐ _____
 - ☐ _____
 2. Other Limited Proxy Questions
 - (Insert specific items such as amendments, budget approval, special assessments, waiving reserves, etc.)
 - Example:
Approval of Amendment to the Declaration:
 - ☐ YES, I approve
 - ☐ NO, I do not approve
-

- **DATED:** _____
Owner Signature(s):
-
-
-
-

CONDOMINIUM & COOPERATIVE SAMPLE FORMS

HOWEY-IN-THE-HILLS CONDOMINIUM ASSOCIATION, INC.

SAMPLE MEMBERSHIP MEETING AGENDA

- **DATE:** _____
- **TIME:** _____
- **PLACE:** _____

AGENDA

1. Call to Order
2. Certification of Proxies / Verification of Outer Envelopes
3. Proof of Notice of Meeting
4. Approval of Prior Meeting Minutes
5. Election of Directors
6. Committee Reports
 - Building & Grounds
 - Recreation
 - Finance
 - Landscaping / Beautification
7. Membership Business
 - Waiver of Reserves (if applicable)
 - Waiver of Annual Audit (if applicable)
 - Budget Approval
 - Amendments to Governing Documents
 - Any Other Proper Business
8. Owner Open Forum
9. Adjournment

FIRST NOTICE OF ELECTION OF DIRECTORS

- (Must be mailed/delivered at least **60 days** before the election.)
- HOWEY-IN-THE-HILLS CONDOMINIUM ASSOCIATION, INC.
FIRST NOTICE OF ANNUAL ELECTION
- The Annual Meeting and Election of Directors for **Howey-in-the-Hills Condominium Association, Inc.** will be held on:
- **DATE:** _____
- **TIME:** _____
- **PLACE:** _____
- This **First Notice of Election** is being mailed or delivered **at least 60 days** before the election, as required by §718.112(2)(d), Florida Statutes.

BECOMING A CANDIDATE

- Any eligible unit owner or other eligible person who wishes to be a candidate for the Board of Directors must provide **written notice** to the Association by:

DEADLINE TO DECLARE CANDIDACY:

- No later than 40 days before the election date.
- Written notice may be submitted by:
- Personal delivery
- Certified mail, return receipt requested
- Regular U.S. mail
- Facsimile
- Other method of delivery capable of confirmation (such as email, if the Association accepts it)
- The Association must provide a **written receipt** for any notice delivered personally.

CANDIDATE INFORMATION SHEETS

- Candidates may submit a **one-sided, 8½" × 11" information sheet** describing their background and qualifications.
- **DEADLINE:** Must be received **no later than 35 days** before the election.
- These sheets will be included, unedited, in the Second Notice package.

VOTING CERTIFICATES (If Applicable)

- If title to a unit is held by more than one person, or by an entity, a **Voter Authorization Certificate** designating the voting representative must be filed with the Association before ballots are counted.

-
- **Dated:** _____
HOWEY-IN-THE-HILLS CONDOMINIUM ASSOCIATION, INC.
By: _____
Secretary

RECEIPT FOR WRITTEN NOTICE OF CANDIDACY

- (Provide to candidates who hand-deliver their notice.)
- HOWEY-IN-THE-HILLS CONDOMINIUM ASSOCIATION, INC.
RECEIPT OF WRITTEN NOTICE OF CANDIDACY
- Date Received: _____
- Received From (Candidate Name): _____
- Address: _____
- This acknowledges that the Association has received your **written notice** declaring your candidacy for the Board of Directors for the upcoming election.
- You are now officially recognized as a candidate.
- HOWEY-IN-THE-HILLS CONDOMINIUM ASSOCIATION, INC.
By: _____
Secretary

SECOND NOTICE OF ELECTION AND ANNUAL MEETING

- (Must be mailed/delivered at least **14 days** before the election.)
- HOWEY-IN-THE-HILLS CONDOMINIUM ASSOCIATION, INC.
SECOND NOTICE OF ELECTION & ANNUAL MEMBERSHIP MEETING
- The Annual Meeting and Election of Directors will be held:
- **DATE:** _____
TIME: _____
PLACE: _____
- Enclosed are the materials required to cast your ballot.

INCLUDED IN THIS PACKAGE

1. Official Ballot
 - Candidates are listed in alphabetical order, as required by statute.
No write-in candidates are permitted.
2. Candidate Information Sheets
 - Included exactly as submitted by each candidate.
3. Inner "Ballot Envelope" (#9)
 - Place the completed ballot inside.
 - Do **not** sign or mark this envelope.
4. Outer Envelope (#10)
 - Insert your sealed ballot envelope inside.
 - Write your **unit number** and **sign your name** on the outer envelope.
 - Unsigned outer envelopes must be disregarded.

HOW TO CAST YOUR VOTE

1. Mark your ballot.
2. Insert ballot into the **Ballot Envelope** and seal it.
3. Place the Ballot Envelope into the **Outer Envelope**.
4. Fill in unit number and **sign** the outer envelope.
5. Return the envelope:
 - By mail
 - By personal delivery
 - Or deliver it at the annual meeting before the polls close
- Multiple-unit owners must submit a separate ballot envelope and outer envelope **for each unit**.

NOTICE OF ANNUAL MEETING

- The meeting agenda is enclosed.
Owners are encouraged to attend in person.
-
- **Dated:** _____
HOWEY-IN-THE-HILLS CONDOMINIUM ASSOCIATION, INC.
By: _____
Secretary
-

NOTICE OF MEMBERSHIP MEETING (For annual or special meetings.)

Your CONDOMINIUM ASSOCIATION, INC.

NOTICE OF MEMBERSHIP MEETING

- **DATE:** _____
- **TIME:** _____
- **PLACE:** _____

PURPOSE OF MEETING

- (If a special meeting, state the specific purpose. No other business may be conducted.)

VOTING

- Each unit is entitled to one vote, cast by the **designated voter** identified in the Voter Authorization Certificate (if required by bylaws).

PROXIES

- Proxies **may not** be used to elect directors.
They **may** be used for other lawful purposes (waiving reserves, amendments, audits, etc.).
A proxy form is enclosed (if applicable).

LIST OF OWNERS

- A complete alphabetical list of all owners with their mailing addresses will be available for inspection at least **10 days prior to the meeting** and at the meeting.

POSTING

- This notice has been posted on Association property in the designated location.

BOARD ORGANIZATIONAL MEETING

- Immediately following the annual meeting, the newly elected board will hold an organizational meeting.
Owners may attend.
- **DATED:** _____
HOWEY-IN-THE-HILLS CONDOMINIUM ASSOCIATION, INC.
By: _____
Secretary

AFFIDAVIT OF MAILING/POSTING

- (Used for notices, meetings, budgets, elections.)
- HOWEY-IN-THE-HILLS CONDOMINIUM ASSOCIATION, INC.
AFFIDAVIT OF MAILING AND POSTING
- STATE OF FLORIDA
COUNTY OF _____
- Before me appeared _____, who swears and states:
 1. I am the _____ of the Association.
 2. On _____, I mailed or delivered written notice of the (annual meeting / special meeting / budget meeting / election) to all owners as shown on the attached list.
 3. On _____, I posted the same notice at the designated location on the condominium property in accordance with law and the bylaws.
- Signature of Affiant
- Printed Name
- Sworn to and subscribed before me on this _____ day of _____, 20.

-
- Notary Public, State of Florida
My Commission Expires: _____

VOTER AUTHORIZATION CERTIFICATE

- (For multi-owner units or units owned by entities.)
- HOWEY-IN-THE-HILLS CONDOMINIUM ASSOCIATION, INC.
VOTER AUTHORIZATION CERTIFICATE
- Unit Number: _____
Property Address: _____
- We, the undersigned owners of this unit, designate the following person as the **authorized voter** for all matters requiring a membership vote:
- **Authorized Voter Name (PRINT):** _____
Signature of Authorized Voter: _____
Date: _____

Ownership Type (select one)

- (a) Natural Persons (all owners sign below):

- **(b) Corporation / LLC**

Entity Name: _____

President/Vice-President: _____

Secretary/Asst. Secretary: _____

- **(c) Partnership**

Partnership Name: _____

General Partner: _____

- **(d) Trust**

Trust Name: _____

Trustee Signature: _____

LIMITED PROXY FORM (DBPR-COMPLIANT)

(Cannot be used to elect directors.)

HOWEY-IN-THE-HILLS CONDOMINIUM ASSOCIATION, INC. LIMITED PROXY

- Unit Number: _____
- I/We appoint:
(Name of Proxyholder): _____
OR, if left blank, the **Secretary of the Association**, as my/our proxyholder to vote on the limited matters listed below at the Membership Meeting on:
 - **DATE:** _____
 - **TIME:** _____
 - **PLACE:** _____

Limited Matters

- (Association inserts specific issues. Examples below.)
- 1. **Waiver of Reserves** for the next fiscal year:
 - ☐ YES – I approve the waiver
 - ☐ NO – I do not approve
- 2. **Waiver of Audit/Review Requirement:**
 - ☐ YES – Waive
 - ☐ NO – Do not waive
- 3. **Amendment to Governing Documents:**
 - ☐ YES – Approve
 - ☐ NO – Reject
- This proxy is valid only for the issues listed and expires **90 days** after the stated meeting date.
- **DATED:** _____ **Owner Signature(s):** _____

OFFICIAL BALLOT (Condo/Co-op)

- (Must NOT contain write-ins. Candidates must be alphabetical.)
- HOWEY-IN-THE-HILLS CONDOMINIUM ASSOCIATION, INC.
OFFICIAL BALLOT – ELECTION OF DIRECTORS
DATE: _____
- You may vote for up to _____ candidates.
Place a mark (✓) inside the box next to the candidates of your choice.
- ☐ _____
☐ _____
☐ _____
☐ _____
☐ _____
☐ _____
- Do NOT sign the ballot.
Insert the ballot into the Ballot Envelope only

=====

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Conducting Elections

END OF COURSE EXAMINATION

1. In a homeowners' association, the election process is controlled by the:
 - A. Florida Statute.
 - B. Florida Administrative Code.
 - C. The association documents.
 - D. Both the Florida Statute and Administrative Code.
2. If the association documents of a Homeowners' association provide that vacancies be filled by election, the elections may occur at:
 - A. A special meeting of the membership.
 - B. An annual meeting of the membership.
 - C. A meeting first officially decided by the board.
 - D. The statute specifically states when an election to fill vacancies will be held.
3. In condominiums and cooperatives, any unit owner or other eligible person who desires to become a candidate for the board must give written notice to the association:
 - A. At least 60 days in advance of the meeting.
 - B. Not more than 40 days in advance of the meeting.
 - C. Not less than 40 days in advance of the meeting.
 - D. Not more than 60 days in advance of the meeting.
4. In condominiums and cooperatives, all envelopes containing ballots received by the association prior to the meeting:
 - A. May be opened at the appointed office of the association grounds prior to the meeting.
 - B. May be opened at the appointed office of the association grounds prior to the meeting only by the secretary of the board.
 - C. May be opened at the appointed office of the association grounds prior to the meeting only by the secretary of the board in the presence of two other officers.
 - D. Must be transported to the meeting unopened.
5. When might members of the board be appointed?
 - A. At the first annual meeting of the board after the association takes ownership.
 - B. At the first special meeting after the association takes ownership.
 - C. While the developer has the right to representation on the board.
 - D. Members of the board are never appointed; they are elected.

6. In condominiums and cooperatives, any qualified person who desire to be a candidate may provide an information sheet:
 - A. Describing the candidate's background, education, and other qualifications which the candidate feels are relevant.
 - B. May not exceed 8 ½ inches by 11 inches.
 - C. May be printed on one side of the sheet of paper only.
 - D. All of the above.
7. In condominiums and cooperatives, signatures and unit identification will be checked against the list of qualified voters either before or during the meeting in which the election is held, provided that:
 - A. A committee is appointed by the board and does not include any current board members, officers, or candidates for the board and the meeting at which the verification process is executed is open to the membership.
 - B. The signature and unit identification on the outer envelope is checked against the list of qualified voters and the voters check off the list as having voted.
 - C. The envelopes not properly signed will be marked "disregarded" and will not be counted and the pre-verified envelopes will be transported to the meeting and opened in accordance with certain procedures.
 - D. All of the above.
8. Concerning homeowners' associations, the statute states only that if an election is to be held, it will be held in conjunction with the:
 - A. First special meeting.
 - B. Annual meeting.
 - C. Meeting first officially decided by the board.
 - D. The statute does not state when an election will be held.
9. In condominiums and cooperatives, at the end of the fortieth day prior to the election, if there are the same number of candidates as vacancies or fewer candidates than vacancies,
 - A. Another 7 days is allowed for the board to acquire candidates.
 - B. No election is required.
 - C. Candidates may nominate themselves at the annual meeting when the election is held.
 - D. Another 20 days is allowed for the board to acquire candidates.
10. In condominiums and cooperatives, when an owner owns more than one unit or parcel:
 - A. Multiple ballot envelopes may be placed in one return envelope.
 - B. Multiple ballot envelopes may not be placed in one return envelope.
 - C. A separate ballot and ballot envelope must be used for each unit.
 - D. Both A and C are correct.