

Section 7.1. - Sample Provision Excerpt (Public Preview)

the Board at the membership meeting held at least thirty (30) days prior to the annual membership meeting. All nominations from the floor must be made at a duly noticed membership meeting held at least thirty (30) days before the annual membership meeting, and, at the conclusion of said meeting, nominations for the election to the Board of Directors shall be closed.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 7.1. (p. 12): Clause unlawfully restricts candidate self-nomination or nominations from the floor in violation of Florida election statutes.

Statutory / Legal Reference: Fla. Stat. § 720.306(8)-(9)

Statutory Comparison: Under Fla. Stat. § 720.306(9)(a), any eligible member may nominate himself or herself as a candidate for the board, and nominations from the floor at the election meeting cannot be prohibited unless the association conducts elections using an advance written self-nomination and secret ballot procedure.

CURRENT WORDING IN DOCUMENT:

the Board at the membership meeting held at least thirty (30) days prior to the annual membership meeting. All nominations from the floor must be made at a duly noticed membership meeting held at least thirty (30) days before the annual membership meeting, and, at the conclusion of said meeting, nominations for the election to the Board of Directors shall be closed.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

the Board at the membership meeting held at least thirty (30) days prior to the annual membership meeting. All nominations from the floor must be made at a duly noticed membership meeting held at least thirty (30) days before the annual membership meeting, and, at the conclusion of said meeting, nominations for the election to the Board of Directors shall be closed. [MANDATORY HOA ELECTION COMPLIANCE]: Pursuant to Fla. Stat. § 720.306(9)(a), any eligible parcel owner may nominate himself or herself as a candidate for the Board.