

ISSUE #1

MARKUP #1 ->

discretion, vary the date of the meetings no more than (10) days before or after the scheduled date of said meeting. The March meeting shall be designated the Annual Meeting.

Notice of meetings shall be delivered by email, text or other means, to the property owners of the membership of the NURMI ISLES HOME OWNERS ASSOCIATION, INC., not less than five (5) days before the date of the scheduled meeting.

The presence of not less than fifteen percent (15%) of the members, but not less than fifteen (15) members, shall constitute a quorum and shall be necessary to conduct the business of this organization; but a lesser number may adjourn the meeting for a period of not more than four (4) weeks from the date scheduled by the By-Laws and the Secretary shall cause a notice of this scheduled meeting to be sent to all those members who were not present at the meeting originally called. A quorum as Special Meetings of this organization may be called by the President when it is deemed for the best interest of the organization. Notices of such meeting shall be delivered to all members at their home addresses, in-person, by text, on-line or by voice at least seven (7) days before the scheduled date set for such special meeting. Such notice shall state the reasons that such meeting has been called, the business to be transacted at such meeting and by whom called.

At the request of a majority of the members of the Board of Directors or ten percent (10%) of the members of the organization, the President shall cause a special meeting to be called, but such request must be made in writing at least ten (10) days before the requested scheduled date.

No other business but that specified in the notice may be transacted at such special meeting without the unanimous consent of all present at such meeting.

ARTICLE FIVE: VOTING

At all meetings, all votes shall be viva voice, electronic ballot, email or other electronic means.

At any regular or special meeting, if a majority so requires, any question may be voted upon in the manner and style provided for election of officers and directors.

ARTICLE SIX: ORDER OF BUSINESS

1. Roll call
2. Reading of the minutes of the preceding meeting.
3. Reports of Committees
4. Reports of Officers
5. Old and Unfinished Business
6. New Business

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. N/A (p. 3): Director recall/removal clause requires a supermajority (>50% + 1) vote or "for cause" justification, conflicting with Florida's mandatory majority recall right.

Statutory / Legal Reference: Fla. Stat. § 720.303(10) & F.A.C. Rule 61B-80.101

Statutory Comparison: Under Fla. Stat. § 720.303(10) & F.A.C. Rule 61B-80.101, any member of the board of directors may be recalled and removed from office with or without cause by the vote or agreement in writing of a majority (50% plus one) of all voting interests. Governing document provisions requiring a 67%, 75%, or other supermajority threshold or restricting recall to "for cause" grounds are void and unenforceable under Florida law and DBPR recall arbitration precedent.

CURRENT WORDING IN DOCUMENT:

AMENDED AND RESTATED BY - LAWS OF NURMI ISLES HOME OWNERS ASSOCIATION, INC. Approved by 2/3 of the Membership Present at The Regular Meeting of The Nurmi Isles Home Owners Association, Inc., and the Board of Directors October 1, 2024 1 ARTICLE ONE: ORGANIZATION 1. The name of this organization shall be: Nurmi Isles Home Owners Association, Inc.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 720.303(10) & F.A.C. Rule 61B-80.101, any member of the Board of Directors may be recalled and removed from office with or without cause by the vote or written recall agreement of a simple majority of all voting interests, in accordance with the recall and DBPR arbitration procedures set forth in the Florida Statutes and Florida Administrative Code.