

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE BOARD & COUNSEL REVIEW

be a member of the Board of Directors, and two or more Members of the Association. The Nominating Committee shall be appointed by the Board of Directors prior to each annual meeting of the Members, to serve from the close of such annual meeting until the close of the next annual meeting and such appointment shall be announced at each annual meeting. The Nominating Committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine, but not less than the number of vacancies that are to be filled. Such nominations may be made from among Members or non-Members.

Section 2 -- Election. Election to the Board of Directors shall be by written ballot at the annual meeting of Members. The persons receiving the largest number of votes shall be elected. Cumulative voting is not permitted.

ARTICLE VI

** OFFICIAL RECORDS **

BK 1179 PG 449

MEETING OF DIRECTORS

ISSUE #1

Section 1 -- Regular Meetings. Regular meetings of the Board of Directors shall be held quarterly without notice, at such place and hour as may be fixed from time to time by resolution of the Board.

Section 2 -- Special Meetings. Special meetings of the Board of Directors shall be held when called by the President of the Association, or by any two Directors, after not less than three (3) days notice to each Director.

Section 3 -- Quorum. A majority of the number of Directors shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the Directors present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board.

ARTICLE VII

POWER AND DUTIES OF THE BOARD OF DIRECTORS

Section 1 -- Powers. The Board of Directors shall have the power to:

- (a) adopt and publish rules and regulations governing the use of the Common Area and facilities, and regulating the personal conduct of the Members, their family, guests, tenants, agents and contractors in the use of the Common Areas, and to establish, if appropriate, penalties for the infraction thereof;
- (b) suspend the voting rights of a Member during any period in which such Member shall be in default in the payment of any assessment levied by the Association. Such rights may

Sec. 1 (p. 4): Bylaw provision permits regular meetings of the Board of Directors to be held "without notice," violating the mandatory 48-hour open board meeting notice requirement under Fla. Stat. § 720.303(2)(c)1.

Statutory / Legal Reference: Fla. Stat. § 720.303(2)(c)1
Statutory Comparison: Under Fla. Stat. § 720.303(2)(c)1, all meetings of the board of directors must be open to all members and notices of all board meetings (specifically identifying agenda items) must be posted in a conspicuous place in the community at least 48 continuous hours in advance of the meeting (except in an emergency).

CURRENT WORDING IN DOCUMENT:
- Regular Meetings. Regular meetings of the Board of Directors shall be held quarterly without notice, at such place ,and hour as may be fixed from time to time by resolution of the Board.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Notwithstanding the foregoing, pursuant to Fla. Stat. § 720.303(2)(c)1, notice of every regular or special meeting of the Board of Directors (including the agenda) shall be posted conspicuously in the community at least forty-eight (48) continuous hours in advance of the meeting.