

**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES AND MOBILE HOMES**

Note that this form is to be used when filing for mandatory binding arbitration of recall disputes in a homeowners association governed by Chapter 720, Florida Statutes. It may be filed by either the homeowners association or by homeowners voting to recall the board.

IN RE: PETITION FOR RECALL ARBITRATION

_____,
***Petitioner(s) (name of association
or homeowner filing petition),***

v.

Case No. _____
(To be assigned by Division)

_____,
**Respondent(s) (association or
owner voting for recall).**

MANDATORY BINDING ARBITRATION FORM PETITION-RECALL DISPUTE

The original of this recall arbitration petition form shall be accompanied by a \$200.00 filing fee and shall be mailed or sent via facsimile (850.487.0870) to:

Division of Florida Condominiums, Timeshares and Mobile
Homes Arbitration/Mediation Section
2601 Blair Stone Road
Tallahassee, FL 32399-1030
Fax: 850.487.0870

The petitioner shall attach to this petition, for use by the arbitrator, a complete copy of the bylaws of the homeowners association, its articles of incorporation, declaration of covenants and restrictions, and rules, including any amendments to each, as well as any other documents that are that are pertinent to the petition including a copy of all recall ballots served on the association, along with a copy of the petition for the respondent.

1. Name, mailing address, and telephone number of party filing petition (if the party filing the petition is an association, provide both the street address and mailing address, if different, for the association.):

2. Name, mailing address, telephone number fax number, and e-mail address of petitioner's representative (attorney or qualified representative), if any:

3. If the petitioner is an association or other corporation, the petitioner must be represented by a Florida attorney or by a qualified representative. If petitioner's representative is not an attorney, attach DBPR Form HOA 6000-6, QUALIFIED REPRESENTATIVE APPLICATION, as required by Rule 61B-80.101(3), Florida Administrative Code.

4. The name and mailing address of each respondent (if respondent is an association, give the name and address of the president, secretary, or the registered agent of the association):__

5. If the respondent is represented by an attorney or qualified representative, provide the name, mailing address and telephone number of that person.

6. The total number of voting interests in the association is _____.

7. The total number of seats on the association's board of directors at the time the recall ballots or agreement were served on the board is _____.

8. The names of the board directors against whom the written recall agreement was directed and the total number of votes cast to recall each board member are:

- a. _____ b. _____
- c. _____ d. _____
- e. _____ f. _____

9. The date(s) of the next regularly scheduled election for the seat(s) of the board director(s) being recalled is/are _____.

10. If the attempted recall was by written agreement or written ballot, state when the written recall agreement was received by the board: _____ (date) at _____ a.m./p.m. A copy of the written recall agreement or ballots must be attached to this petition.

11. If the recall was by vote at a homeowners' meeting, give the date and time of the meeting, and attach minutes of the meeting, if available.

12. The board determined not to certify the recall at a board meeting held on _____ (date) The meeting was called to order at _____ a.m./p.m., and adjourned at _____ a.m./p.m. A copy of the minutes of the board meeting is attached.

13. As reflected in the minutes of the board meeting, or in any resolution adopted by the board at the meeting, the board determined to not certify the recall because: *(list each specific vote rejected by the board and each specific basis upon which the board at the board meeting based its determination to reject the vote and not certify the recall).*

A copy of each supporting document, such as voting certificates or signature samples that were considered by the board in rejecting individual written agreements must be attached.

Pursuant to section 720.311(1), Florida Statutes, at the conclusion of the proceeding, the department shall charge the parties a fee in an amount adequate to cover all costs and expenses incurred by the department in conducting the proceeding. The fees paid to the department shall become a recoverable cost in the arbitration proceeding and the prevailing party in an arbitration proceeding shall recover its costs and attorney's fees in an amount found reasonable by the arbitrator.

WHEREFORE, petitioner requests that the arbitrator enters a final order containing the following relief:

I have read and understand that I am obligated by law to pay the costs associated with this proceeding.

DATED this _____ day of _____ 20_____.

Submitted by:

(Signed)

DBPR FORM HOA 6000-4
Effective: 2/3/05