

Board Member Eligibility Check

Florida associations · Section 720.306(9)(b) and Section 718.112(2)(d)3., F.S.

Run this at the nomination deadline for every candidate, and again whenever the aging report crosses 90 days for anyone already on the board. Both chapters measure eligibility on a fixed date, so record the date of the check.

☐ **Confirm which chapter you are under**

HOA eligibility is in 720.306(9)(b). Condominium eligibility is in 718.112(2)(d)3. Each chapter has its own list. Chapter: _____ Date checked: _____

☐ **HOA: all members are eligible except as provided in paragraph (b)**

720.306(9)(a) provides that except as stated in paragraph (b), all members of the association are eligible to serve on the board. If your governing documents add a requirement the statute does not contain, ask the association's attorney before keeping a name off a ballot.

☐ **HOA: delinquency, measured on the last day to be nominated**

A person delinquent in any fee, fine, or other monetary obligation to the association on the day he or she could last nominate or be nominated may not seek election, and the name is not listed on the ballot. The statute defines the reach as any delinquency to the association with respect to ANY parcel, so a second parcel counts. Nomination deadline: _____

☐ **Condominium: delinquency in any assessment, and the division bar**

Not eligible and not listed on the ballot: a person delinquent in the payment of any assessment due to the association, or a person suspended or removed by the division under chapter 718. The condominium candidacy bar covers assessments; the HOA bar covers any fee, fine, or other monetary obligation.

☐ **Condominium: when a payment becomes delinquent**

718.112(2)(d)3. supplies the definition: a payment not made by the due date specifically identified in the declaration, bylaws, or articles of incorporation; if no due date is identified, the first day of the assessment period. For an HOA, the due date comes from the governing documents. Our due date: _____

☐ **Both chapters: the felony bar**

A felony conviction in Florida, in a United States District or Territorial Court, or an offense elsewhere that would be a felony in Florida, bars board membership unless civil rights have been restored for at least 5 years as of the date the person seeks election. 720.306(9)(b) and 718.112(2)(d)3.



BoardComply

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Free checklist. General information, not legal advice - review with your association's attorney.

Based on Section 720.306(9)(b); 718.112(2)(d)3.; 718.112(2)(p); 720.3033(1)(b),(3),(4), Florida Statutes. Current as of July 6, 2026.



Condominium only: co-owners and the 8-year ceiling

In a residential condominium of more than 10 units, or one with no timeshare units or interests, co-owners of a unit may not serve at the same time unless they own more than one unit or there are not enough eligible candidates. Separately, no more than 8 consecutive years without a two-thirds vote of votes cast; only service on or after July 1, 2018 counts.



Sitting directors: check the aging report at 90 days

720.306(9)(b): a board member more than 90 days delinquent in any fee, fine, or other monetary obligation is deemed to have abandoned the seat. 718.112(2)(p): a director or officer more than 90 days delinquent in any monetary obligation is deemed to have abandoned the office. Neither statute requires a board vote, notice, or hearing. The seat is vacant on day 91. Names at risk: _____



A missed education deadline suspends the director

A director who misses the education deadline is suspended until compliance under 720.3033(1)(b) and 718.112(2)(d)5.b., and the board may fill the seat temporarily during the suspension. The seat returns to that director on compliance.



Removal events

Charged by information or indictment with ballot forgery, theft or embezzlement of association funds, records destruction or refusal in furtherance of a crime, obstruction of justice, or any criminal violation of the chapter: must be removed under 720.3033(4)(a) and 718.112(2)(q)1., and may not serve on any association board or access any association's records while charges are pending. A kickback finding requires immediate removal under 720.3033(3) and 718.111(1)(a).



Appointing a delinquent owner to a vacancy

The felony bars are written as ineligibility for board membership. The delinquency bars are written around candidacy and the ballot and do not mention appointment; the condominium sentence requires eligibility at the notice-of-intent deadline to be listed on the ballot or to serve on the board. Our reading, with the day-91 rule: do not appoint a delinquent owner. That is a reading of the text, not legal advice; ask counsel about a specific person.



Board votes taken while an ineligible person served

720.306(9)(b): the validity of any board action is not affected if a person is later determined ineligible to seek election or ineligible for board membership. 718.112(2)(d)3.: the validity of a board action is not affected if a board member is later determined ineligible due to a felony conviction. For other condominium grounds, ask counsel.

