

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

IN RE: PETITION FOR BINDING ARBITRATION – HOA RECALL DISPUTE

THE FOREST AT RIDGEWOOD
HOMEOWNER'S ASSOCIATION, INC.,

Petitioner,

v.

Case No. 2026-05-5113

Case No. 2026-02-9833

OWNERS VOTING FOR RECALL,

Respondent.

_____ /

ORDER DENYING RESPONDENTS' EMERGENCY MOTION
FOR CLARIFICATION and ENFORCMENT OF FINAL ORDER
BASED ON LACK OF JURISDICTION.

On October 21, 2026, Respondents filed an Emergency Motion for Clarification and Enforcement of Final Order. (Motion) The primary request stated in the Motion is for the arbitrator to enforce the Final Summary Order. The arbitrator need not address the substance of the Motion because he lacks jurisdiction to do so based on the following:

The substantive part of these cases is a recall effort in a homeowner's association. The recall of directors in a homeowner's association is governed, in part, by Chapter 720, Fla. Stat. Specifically, section 720.303(10)(d), Fla. Stat., provides:

(d) If the board determines not to certify the written agreement or written ballots to recall a director or directors of the board or does not certify the recall by a vote at a meeting, the board shall, within 5 full business days after the meeting, file an action with a court of competent jurisdiction or file with the department a petition for binding arbitration under the applicable procedures in ss. 718.112(2)(l) and 718.1255 and the rules adopted thereunder. ...

[Emphasis added.]



In this case, the Board did not certify the recall and subsequently filed a petition for mandatory binding arbitration under the applicable procedures of section 718.1255, Fla. Stat.

Section 718.1255(4)(m), Fla. Stat., provides:

(m) Any party to an arbitration proceeding may enforce an arbitration award by filing a petition in a court of competent jurisdiction in which the condominium is located. A petition may not be granted unless the time for appeal by the filing of a complaint for trial de novo has expired.¹ If a complaint for a trial de novo has been filed, a petition may not be granted with respect to an arbitration award that has been stayed. If the petition for enforcement is granted, the petitioner shall recover reasonable attorney fees and costs incurred in enforcing the arbitration award. A mediation settlement may also be enforced through the county or circuit court, as applicable, and any costs and fees incurred in the enforcement of a settlement agreement reached at mediation must be awarded to the prevailing party in any enforcement action.

Based on the forgoing, the proper course of action per section 718.1255(4)(m), Fla. Stat., is for the Respondents to “enforce an arbitration award by filing a petition in a court of competent jurisdiction in which the condominium is located.”

ORDERED:

Respondents’ Emergency Motion for Clarification and Enforcement of Final Order is DENIED. Case numbers 2026-05-5113 and 2026-02-9833 are CLOSED.

DONE and ORDERED on October 22, 2026, in Tallahassee, Leon County, Florida.

J. A. Spejenkowski
J. A. Spejenkowski
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and Mobile Homes
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¹ The arbitrator need not address the issue of trial de novo because this is a recall in a homeowner’s association and is therefore subject to binding arbitration.

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² Respondents' Motion refers to Ms. Englert as "discharged counsel." Motion ¶2. The arbitrator makes no finding regarding this allegation as Ms. Englert was counsel of record in both of the substantive cases and Respondents served her with a copy of the Motion. Based on these facts, it appears proper for the arbitrator to provide her with a copy of this order.