

By Senator Latvala

19-385B-01

1 A bill to be entitled
2 An act relating to rural electric cooperatives;
3 amending s. 425.09, F.S.; authorizing
4 cooperative bylaws to permit voting by limited
5 proxy for certain purposes and under certain
6 circumstances; providing criteria and
7 limitations; prohibiting voting by general
8 proxy; providing an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Subsections (6) and (7) of section 425.09,
13 Florida Statutes, are amended to read:

14 425.09 Members.--

15 (6) One percent of all members, present in person,
16 shall constitute a quorum for the transaction of business at
17 all meetings of the members, unless the bylaws prescribe the
18 presence of a greater percentage of the members for a quorum.
19 Notwithstanding the requirement that members be present in
20 person in order to be counted in determining a quorum, the
21 bylaws may permit voting by limited proxy consistent with s.
22 607.0722 or by mail ~~in an election of trustees~~, and members so
23 voting shall be counted as present in person for determination
24 of a quorum. Members voting by mail or limited proxy shall not
25 be counted on any matter raised at a meeting that was not
26 specifically listed and identified on the mail ballot or
27 limited proxy. If less than a quorum is present at any
28 meeting, a majority of those present in person may adjourn the
29 meeting from time to time without further notice.

30 (7) Each member shall be entitled to one vote on each
31 matter submitted to a vote at a meeting. Voting shall be in

1 person, but, if the bylaws so provide, may also be by limited
2 proxy or by mail, or both. If the bylaws provide for voting
3 by limited proxy or by mail, they shall also prescribe the
4 conditions under which limited proxy or mail voting ~~may~~ shall
5 be exercised. The bylaws may not permit voting by general
6 proxy. For purposes of this section, a limited proxy is one on
7 which a member has recorded a vote for or against an issue or
8 issues specifically listed on the proxy. In no event shall any
9 limited proxy be valid for a period longer than 90 days after
10 the date of the first meeting for which the proxy is given.
11 Every proxy is revocable, at any time, at the pleasure of the
12 member executing it.In any event, no person shall vote as
13 proxy for more than three members at any meeting of the
14 members except as otherwise permitted in the bylaws.

15 Section 2. This act shall take effect October 1, 2001.

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18 LEGISLATIVE SUMMARY

19 Authorizes rural electric cooperative bylaws to permit
20 voting or otherwise acting by limited proxy but restricts
21 limited proxies. Prohibits such bylaws from permitting
22 voting by general proxy.
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