

By Representative Goodlette

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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17 HOUSE SUMMARY

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