

Bill No. CS for CS for CS for SB 1184, 1st Eng.

Amendment No. ____ Barcode 561652

CHAMBER ACTION

Senate

House

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Senator Geller moved the following amendment:

Senate Amendment

On page 15, between lines 19 and 20,

insert:

Section 6. Paragraph (d) of subsection (1) of section 719.106, Florida Statutes, is amended to read:

719.106 Bylaws; cooperative ownership.--

(1) MANDATORY PROVISIONS.--The bylaws or other cooperative documents shall provide for the following, and if they do not, they shall be deemed to include the following:

(d) Shareholder meetings.--There shall be an annual meeting of the shareholders. All members of the board of administration shall be elected at the annual meeting unless the bylaws provide for staggered election terms or for their election at another meeting. Any unit owner desiring to be a candidate for board membership shall comply with subparagraph 1. The bylaws shall provide the method for calling meetings, including annual meetings. Written notice, which notice shall incorporate an identification of agenda items, shall be given

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1 to each unit owner at least 14 days prior to the annual
2 meeting and shall be posted in a conspicuous place on the
3 cooperative property at least 14 continuous days preceding the
4 annual meeting. Upon notice to the unit owners, the board
5 shall by duly adopted rule designate a specific location on
6 the cooperative property upon which all notice of unit owner
7 meetings shall be posted. In lieu of or in addition to the
8 physical posting of notice of any meeting of the shareholders
9 on the cooperative property, the association may, by
10 reasonable rule, adopt a procedure for conspicuously posting
11 and repeatedly broadcasting the notice and the agenda on a
12 closed-circuit cable television system serving the cooperative
13 association. However, if broadcast notice is used in lieu of a
14 notice posted physically on the cooperative property, the
15 notice and agenda must be broadcast at least four times every
16 broadcast hour of each day that a posted notice is otherwise
17 required under this section. When broadcast notice is
18 provided, the notice and agenda must be broadcast in a manner
19 and for a sufficient continuous length of time so as to allow
20 an average reader to observe the notice and read and
21 comprehend the entire content of the notice and the agenda.
22 Unless a unit owner waives in writing the right to receive
23 notice of the annual meeting, the notice of the annual meeting
24 shall be sent by mail, hand delivered, or electronically
25 transmitted to each unit owner. An officer of the association
26 shall provide an affidavit or United States Postal Service
27 certificate of mailing, to be included in the official records
28 of the association, affirming that notices of the association
29 meeting were mailed, hand delivered, or electronically
30 transmitted, in accordance with this provision, to each unit
31 owner at the address last furnished to the association.

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1 1. After January 1, 1992, the board of administration
2 shall be elected by written ballot or voting machine. Proxies
3 shall in no event be used in electing the board of
4 administration, either in general elections or elections to
5 fill vacancies caused by recall, resignation, or otherwise
6 unless otherwise provided in this chapter. Not less than 60
7 days before a scheduled election, the association shall mail,
8 deliver, or transmit, whether by separate association mailing,
9 delivery, or electronic transmission or included in another
10 association mailing, delivery, or electronic transmission,
11 including regularly published newsletters, to each unit owner
12 entitled to vote, a first notice of the date of the election.
13 Any unit owner or other eligible person desiring to be a
14 candidate for the board of administration shall give written
15 notice to the association not less than 40 days before a
16 scheduled election. Together with the written notice and
17 agenda as set forth in this section, the association shall
18 mail, deliver, or electronically transmit a second notice of
19 election to all unit owners entitled to vote therein, together
20 with a ballot which shall list all candidates. Upon request of
21 a candidate, the association shall include an information
22 sheet, no larger than 8 1/2 inches by 11 inches, which must
23 be furnished by the candidate not less than 35 days prior to
24 the election, to be included with the mailing, delivery, or
25 electronic transmission of the ballot, with the costs of
26 mailing, delivery, or transmission and copying to be borne by
27 the association. The association has no liability for the
28 contents of the information sheets provided by the candidates.
29 In order to reduce costs, the association may print or
30 duplicate the information sheets on both sides of the paper.
31 The division shall by rule establish voting procedures

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1 consistent with the provisions contained herein, including
2 rules establishing procedures for giving notice by electronic
3 transmission and rules providing for the secrecy of ballots.
4 Elections shall be decided by a plurality of those ballots
5 cast. There shall be no quorum requirement. However, at least
6 20 percent of the eligible voters must cast a ballot in order
7 to have a valid election of members of the board of
8 administration. No unit owner shall permit any other person
9 to vote his or her ballot, and any such ballots improperly
10 cast shall be deemed invalid. A unit owner who needs
11 assistance in casting the ballot for the reasons stated in s.
12 101.051 may obtain assistance in casting the ballot. Any unit
13 owner violating this provision may be fined by the association
14 in accordance with s. 719.303. The regular election shall
15 occur on the date of the annual meeting. The provisions of
16 this subparagraph shall not apply to timeshare cooperatives.
17 Notwithstanding the provisions of this subparagraph, an
18 election and balloting are not required unless more candidates
19 file a notice of intent to run or are nominated than vacancies
20 exist on the board.

21 2. Any approval by unit owners called for by this
22 chapter, or the applicable cooperative documents, shall be
23 made at a duly noticed meeting of unit owners and shall be
24 subject to all requirements of this chapter or the applicable
25 cooperative documents relating to unit owner decisionmaking,
26 except that unit owners may take action by written agreement,
27 without meetings, on matters for which action by written
28 agreement without meetings is expressly allowed by the
29 applicable cooperative documents or any Florida statute which
30 provides for the unit owner action.

31 3. Unit owners may waive notice of specific meetings

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1 if allowed by the applicable cooperative documents or any
2 Florida statute. If authorized by the bylaws, notice of
3 meetings of the board of administration, shareholder meetings,
4 except shareholder meetings called to recall board members
5 under paragraph (f), and committee meetings may be given by
6 electronic transmission to unit owners who consent to receive
7 notice by electronic transmission.

8 4. Unit owners shall have the right to participate in
9 meetings of unit owners with reference to all designated
10 agenda items. However, the association may adopt reasonable
11 rules governing the frequency, duration, and manner of unit
12 owner participation.

13 5. Any unit owner may tape record or videotape
14 meetings of the unit owners subject to reasonable rules
15 adopted by the division.

16 6. Fifteen percent of the total voting interests in a
17 cooperative association, or six unit owners, whichever is
18 greater, may petition the division to appoint an election
19 monitor to attend the annual meeting of the shareholders and
20 conduct the election of directors. The division shall appoint
21 a division employee, a person or persons specializing in
22 cooperative election monitoring, or an attorney licensed to
23 practice in this state as the election monitor. All costs
24 associated with the election monitoring process shall be paid
25 by the association. The division shall adopt a rule
26 establishing procedures for the appointment of election
27 monitors and the scope and extent of the monitor's role in the
28 election process.

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30 Notwithstanding subparagraphs (b)2. and (d)1., an association
31 may, by the affirmative vote of a majority of the total voting

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1 interests, provide for a different voting and election
 2 procedure in its bylaws, which vote may be by a proxy
 3 specifically delineating the different voting and election
 4 procedures. The different voting and election procedures may
 5 provide for elections to be conducted by limited or general
 6 proxy.

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8 (Redesignate subsequent sections.)

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11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 In title, on page 1, lines 26, after the semicolon

14

15 insert:

16 amending s. 719.106, F.S.; providing for unit
 17 owners or shareholders to petition the Division
 18 of Florida Land Sales, Condominiums, and Mobile
 19 Homes of the Department of Business and
 20 Professional Regulation to appoint an election
 21 monitor to attend the annual association
 22 meeting and conduct the election of directors;
 23 providing for the adoption of rules;

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