



840710

CHAMBER ACTION

Senate

House

.  
. .  
. .  
. .

Floor: WD/2R  
4/23/2008 2:33 PM

---

1 Senator Posey moved the following **substitute for amendment**  
2 **(481494)** :

3  
4 **Senate Amendment (with title amendment)**

5 Delete lines 971 through 1021  
6 and insert:

7 3.a. The members of the board shall be elected by written  
8 ballot or voting machine. Proxies shall in no event be used in  
9 electing the board, either in general elections or elections to  
10 fill vacancies caused by recall, resignation, or otherwise,  
11 unless otherwise provided in this chapter. Not less than 60 days  
12 before a scheduled election, the association shall mail, deliver,  
13 or electronically transmit, whether by separate association  
14 mailing or included in another association mailing, delivery, or  
15 transmission, including regularly published newsletters, to each  
16 unit owner entitled to a vote, a first notice of the date of the  
17 election. Any unit owner or other eligible person desiring to be



840710

18 a candidate for the board must give written notice to the  
19 association not less than 40 days before a scheduled election.  
20 Together with the written notice and agenda as set forth in  
21 subparagraph 2., the association shall mail, deliver, or  
22 electronically transmit a second notice of the election to all  
23 unit owners entitled to vote therein, together with a ballot  
24 which shall list all candidates. Upon request of a candidate, the  
25 association shall include an information sheet, no larger than  
26 8 1/2 inches by 11 inches, which must be furnished by the  
27 candidate not less than 35 days before the election, to be  
28 included with the mailing, delivery, or transmission of the  
29 ballot, with the costs of mailing, delivery, or electronic  
30 transmission and copying to be borne by the association. The  
31 association is not liable for the contents of the information  
32 sheets prepared by the candidates. In order to reduce costs, the  
33 association may print or duplicate the information sheets on both  
34 sides of the paper. The division shall by rule establish voting  
35 procedures consistent with the provisions contained herein,  
36 including rules establishing procedures for giving notice by  
37 electronic transmission and rules providing for the secrecy of  
38 ballots. Elections shall be decided by a plurality of those  
39 ballots cast. There shall be no quorum requirement; however, at  
40 least 20 percent of the eligible voters must cast a ballot in  
41 order to have a valid election of members of the board. No unit  
42 owner shall permit any other person to vote his or her ballot,  
43 and any such ballots improperly cast shall be deemed invalid,  
44 provided any unit owner who violates this provision may be fined  
45 by the association in accordance with s. 718.303. A unit owner  
46 who needs assistance in casting the ballot for the reasons stated  
47 in s. 101.051 may obtain assistance in casting the ballot. The



840710

48 regular election shall occur on the date of the annual meeting.  
49 The provisions of this subparagraph shall not apply to timeshare  
50 condominium associations. Notwithstanding the provisions of this  
51 subparagraph, an election is not required unless more candidates  
52 file notices of intent to run or are nominated than board  
53 vacancies exist.

54 b. Within 30 days after being elected to the board of  
55 directors, a new director shall certify in writing to the  
56 secretary of the association that he or she has read the  
57 association's declarations of covenants and restrictions,  
58 articles of incorporation, bylaws, and current written policies  
59 and that he or she will work to uphold each to the best of his or  
60 her ability and will faithfully discharge his or her fiduciary  
61 responsibility to the association's members. Failure to timely  
62 file this statement shall automatically disqualify the director  
63 from serving on the association's board of directors. The  
64 secretary shall cause the association to retain a director's  
65 certification for inspection by the members for 5 years after a  
66 director's election. Failure to have such certification on file  
67 does not affect the validity of any appropriate action.

68  
69 ===== T I T L E A M E N D M E N T =====

70 And the title is amended as follows:

71  
72 Delete lines 58 and 59

73 and insert:

74 board; requiring each new director to certify in writing  
75 to the secretary of the community association within a  
76 specified period of time after his or her election to the  
77 board of directors that he or she has read the



840710

78 | association's relevant specified documents and will work  
79 | to uphold each to the best of his or her ability;  
80 | providing that the director will be automatically  
81 | disqualified from serving on the association's board of  
82 | directors for failing to timely file the certification;