



594148

CHAMBER ACTION

Senate

House

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Floor: WD/2R
4/23/2008 2:36 PM

1 Senator Posey moved the following **substitute for amendment**
2 **(156306)** :

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

5 Delete line(s) 1018-1101

6 and insert:

7
8 notice of the date of the election. Any unit owner or other
9 eligible person desiring to be a candidate for the board must
10 give written notice to the association not less than 40 days
11 before a scheduled election. Together with the written notice and
12 agenda as set forth in subparagraph 2., the association shall
13 mail, deliver, or electronically transmit a second notice of the
14 election to all unit owners entitled to vote therein, together
15 with a ballot which shall list all candidates. Upon request of a
16 candidate, the association shall include an information sheet, no
17 larger than 8 1/2 inches by 11 inches, which must be furnished by



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18 | the candidate not less than 35 days before the election, to be
19 | included with the mailing, delivery, or transmission of the
20 | ballot, with the costs of mailing, delivery, or electronic
21 | transmission and copying to be borne by the association. The
22 | association is not liable for the contents of the information
23 | sheets prepared by the candidates. In order to reduce costs, the
24 | association may print or duplicate the information sheets on both
25 | sides of the paper. The division shall by rule establish voting
26 | procedures consistent with the provisions contained herein,
27 | including rules establishing procedures for giving notice by
28 | electronic transmission and rules providing for the secrecy of
29 | ballots. Elections shall be decided by a plurality of those
30 | ballots cast. There shall be no quorum requirement; however, at
31 | least 20 percent of the eligible voters must cast a ballot in
32 | order to have a valid election of members of the board. No unit
33 | owner shall permit any other person to vote his or her ballot,
34 | and any such ballots improperly cast shall be deemed invalid,
35 | provided any unit owner who violates this provision may be fined
36 | by the association in accordance with s. 718.303. A unit owner
37 | who needs assistance in casting the ballot for the reasons stated
38 | in s. 101.051 may obtain assistance in casting the ballot. The
39 | regular election shall occur on the date of the annual meeting.
40 | The provisions of this subparagraph shall not apply to timeshare
41 | condominium associations. Notwithstanding the provisions of this
42 | subparagraph, an election is not required unless more candidates
43 | file notices of intent to run or are nominated than board
44 | vacancies exist.

45 | 4. Any approval by unit owners called for by this chapter
46 | or the applicable declaration or bylaws, including, but not
47 | limited to, the approval requirement in s. 718.111(8), shall be



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48 | made at a duly noticed meeting of unit owners and shall be
49 | subject to all requirements of this chapter or the applicable
50 | condominium documents relating to unit owner decisionmaking,
51 | except that unit owners may take action by written agreement,
52 | without meetings, on matters for which action by written
53 | agreement without meetings is expressly allowed by the applicable
54 | bylaws or declaration or any statute that provides for such
55 | action.

56 | 5. Unit owners may waive notice of specific meetings if
57 | allowed by the applicable bylaws or declaration or any statute.
58 | If authorized by the bylaws, notice of meetings of the board of
59 | administration, unit owner meetings, except unit owner meetings
60 | called to recall board members under paragraph (j), and committee
61 | meetings may be given by electronic transmission to unit owners
62 | who consent to receive notice by electronic transmission.

63 | 6. Unit owners shall have the right to participate in
64 | meetings of unit owners with reference to all designated agenda
65 | items. However, the association may adopt reasonable rules
66 | governing the frequency, duration, and manner of unit owner
67 | participation.

68 | 7. Any unit owner may tape record or videotape a meeting of
69 | the unit owners subject to reasonable rules adopted by the
70 | division.

71 | 8. Unless otherwise provided in the bylaws, any vacancy
72 | occurring on the board before the expiration of a term may be
73 | filled by the affirmative vote of the majority of the remaining
74 | directors, even if the remaining directors constitute less than a
75 | quorum, or by the sole remaining director. In the alternative, a
76 | board may hold an election to fill the vacancy, in which case the
77 | election procedures must conform to the requirements of



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78 | subparagraph 3. unless the association governs 10 units or fewer
79 | and has opted out of the statutory election process, in which
80 | case the bylaws of the association control. Unless otherwise
81 | provided in the bylaws, a board member appointed or elected under
82 | this section shall fill the vacancy for the unexpired term of the
83 | seat being filled. Filling vacancies created by recall is
84 | governed by paragraph (j) and rules adopted by the division.

85 | 9. Within 30 days after being elected to the board of
86 | directors, a new director shall certify in writing to the
87 | secretary of the association that he or she has read the
88 | association's declarations of covenants and restrictions,
89 | articles of incorporation, bylaws, and current written policies,
90 | he or she will work to uphold such documents and policies to the
91 | best of his or her ability, and he or she will faithfully
92 | discharge his or her fiduciary responsibility to the
93 | association's members. Failure to timely file such statement
94 | automatically disqualifies the director from service on the
95 | association's board of directors. The secretary shall cause the
96 | association to retain a director's certification for inspection
97 | by the members for 5 years after a director's election. Failure
98 | to have such certification on file does not affect the validity
99 | of any appropriate action.

100 |
101 | ===== T I T L E A M E N D M E N T =====

102 | And the title is amended as follows:

103 | Delete line(s) 61-66

104 | and insert:

105 |
106 | board; authorizing an association consisting of a
107 | specified maximum number of units to provide for different



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108 | voting and election procedures in its bylaws by
109 | affirmative vote of a majority of the association's voting
110 | interests; requiring that a newly elected director certify
111 | in writing to the secretary of the association that he or
112 | she has read and will uphold certain documents within a
113 | specified period; providing that the failure to timely
114 | file such statement automatically disqualifies the
115 | director from serving on the association's board of
116 | directors; requiring the secretary to retain such
117 | statement for a certain period;