

1 A bill to be entitled
 2 An act relating to condominiums; amending s. 718.112,
 3 F.S.; providing that general proxies may be used for
 4 votes taken on any issue related to financial matters
 5 of the association; providing an effective date.

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

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 9 Section 1. Paragraph (b) of subsection (2) of section
 10 718.112, Florida Statutes, is amended to read:

11 718.112 Bylaws.—

12 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the
 13 following and, if they do not do so, shall be deemed to include
 14 the following:

15 (b) Quorum; voting requirements; proxies.—

16 1. Unless a lower number is provided in the bylaws, the
 17 percentage of voting interests required to constitute a quorum
 18 at a meeting of the members is a majority of the voting
 19 interests. Unless otherwise provided in this chapter or in the
 20 declaration, articles of incorporation, or bylaws, and except as
 21 provided in subparagraph (d)4., decisions shall be made by a
 22 majority of the voting interests represented at a meeting at
 23 which a quorum is present.

24 2. Except as specifically otherwise provided herein, unit
 25 owners may not vote by general proxy, but may vote by limited
 26 proxies substantially conforming to a limited proxy form adopted

27 | by the division. A voting interest or consent right allocated to
28 | a unit owned by the association may not be exercised or
29 | considered for any purpose, whether for a quorum, an election,
30 | or otherwise. Limited proxies and general proxies may be used to
31 | establish a quorum. Limited proxies shall be used for votes
32 | taken to waive or reduce reserves in accordance with
33 | subparagraph (f)2.; for votes taken to waive the financial
34 | reporting requirements of s. 718.111(13); for votes taken to
35 | amend the declaration pursuant to s. 718.110; for votes taken to
36 | amend the articles of incorporation or bylaws pursuant to this
37 | section; and for any other matter for which this chapter
38 | requires or permits a vote of the unit owners. Except as
39 | provided in paragraph (d), a proxy, limited or general, may not
40 | be used in the election of board members. General proxies may be
41 | used for other matters for which limited proxies are not
42 | required, and may be used in voting for nonsubstantive changes
43 | to items for which a limited proxy is required and given.
44 | General proxies may be used for votes taken on any issue related
45 | to financial matters of the association. Notwithstanding this
46 | subparagraph, unit owners may vote in person at unit owner
47 | meetings. This subparagraph does not limit the use of general
48 | proxies or require the use of limited proxies for any agenda
49 | item or election at any meeting of a timeshare condominium
50 | association.
51 | 3. Any proxy given is effective only for the specific
52 | meeting for which originally given and any lawfully adjourned

53 meetings thereof. A proxy is not valid longer than 90 days after
54 the date of the first meeting for which it was given. Every
55 proxy is revocable at any time at the pleasure of the unit owner
56 executing it.

57 4. A member of the board of administration or a committee
58 may submit in writing his or her agreement or disagreement with
59 any action taken at a meeting that the member did not attend.
60 This agreement or disagreement may not be used as a vote for or
61 against the action taken or to create a quorum.

62 5. If any of the board or committee members meet by
63 telephone conference, those board or committee members may be
64 counted toward obtaining a quorum and may vote by telephone. A
65 telephone speaker must be used so that the conversation of those
66 members may be heard by the board or committee members attending
67 in person as well as by any unit owners present at a meeting.

68 Section 2. This act shall take effect July 1, 2014.