

meeting for which it was given. If the proxy form expressly provides, any proxy holder may appoint, in writing, a substitute to act in his place.

a. Unit owners may not vote by general proxy, but may vote by limited proxy in the following instances:

ISSUE #1

- (1) to waive financial statement requirements,
- (2) to waive or reduce reserves,
- (3) to amend the Declaration, Articles of Incorporation or the Bylaws,
and
- (4) for any other matter which requires a vote of the unit owners.

b. Unit owners may not vote by limited or general proxy in a regular election of members of the Board of Directors. Provided, however, that pursuant to the provisions of 61B-23.0026 (2)(d), Florida Administrative Code, unit owners, other than a developer, may vote by limited proxy to fill a vacancy on the Board previously occupied by a board member elected by unit owners other than a developer.

c. General proxies may be used for other matters for which limited proxies are not required and may also be used in voting for non-substantial changes to items for which a limited proxy is required and given.

12. Lack of Quorum/Adjournment. If any meeting of Members cannot be organized because a quorum is not present, the voting interests who are present, either in person or by proxy, may adjourn the meeting from time to time until a quorum is present. Any meeting of Members may be adjourned. Adjournment of a meeting to a different date, time, or place must be announced at that meeting before an adjournment is taken, or notice must be given of the new date, time, or place in compliance paragraph 7. At an adjourned meeting at which a quorum is

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. AMENDED AND RESTATED BYLAWS OF (p. 7): Outdated reserve waiver clause contradicts mandatory post-milestone SIRS requirements.
Statutory / Legal Reference: Fla. Stat. § 718.112(2)(f) (HB 1021)

Statutory Comparison: Effective under HB 1021, condominium and cooperative associations cannot waive or reduce reserves for items required by a Structural Integrity Reserve Study (SIRS), nor use structural reserve funds for non-scheduled purposes without statutory exemptions.

CURRENT WORDING IN DOCUMENT:

- to waive financial statement requirements,
- (2) (3) to waive or reduce reserves, to amend the Declaration, Articles of Incorporation or the Bylaws, and b.
- (4) for any other matter which requires a vote of the unit owners.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided, however, that reserve funding for components covered by a Structural Integrity Reserve Study (SIRS) pursuant to Fla. Stat. § 718.112(2)(g) cannot be waived, reduced, or used for any purpose other than their designated structural replacement.