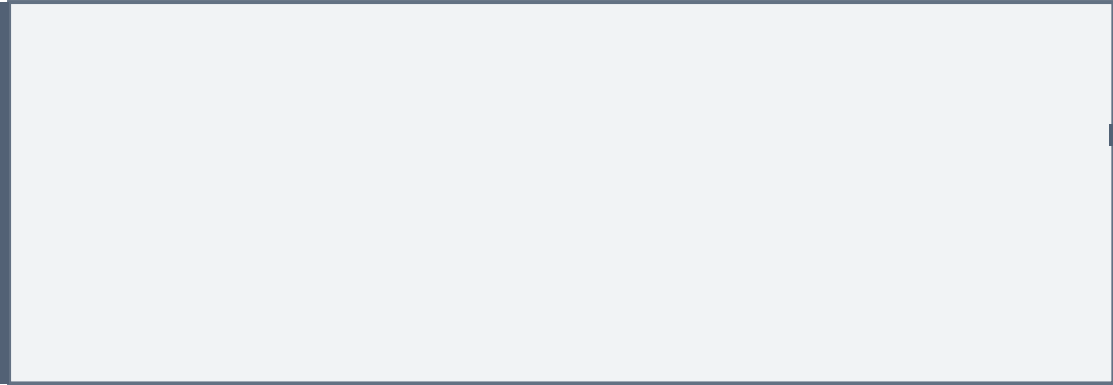




Section 12.3 - Sample Provision Excerpt (Public Preview)

Notice. Copies of proposed amendments shall be included in the notice of any meeting at which a proposed amendment is to be considered or in connection with documentation for action without a meeting.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 12.3 (p. 32): Governing document purports to authorize the Board of Directors to take official Board action outside of a noticed meeting by written consent signed by the directors, conflicting with the open-meeting sunshine mandate of Fla. Stat. § 718.112(2)(c).

Statutory / Legal Reference: Fla. Stat. § 718.112(2)(c)

Statutory Comparison: While general nonprofit corporations under Fla. Stat. § 617.0821 may act by unanimous written consent unless prohibited, Fla. Stat. § 718.112(2)(c) overrides general corporate law for Florida community associations by requiring that all Board meetings be open to all members with at least 48 hours' posted notice and owner right to speak on all agenda items.

CURRENT WORDING IN DOCUMENT:

Notice. Copies of proposed amendments shall be included in the notice of any meeting at which a proposed amendment is to be considered or in connection with documentation for action without a meeting.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Notice. Copies of proposed amendments shall be included in the notice of any meeting at which a proposed amendment is to be considered or in connection with documentation for action without a meeting. [SAMPLE DISCUSSION WORDING - FOR FLORIDA ASSOCIATION COUNSEL REVIEW]: Notwithstanding Fla. Stat. § 617.0821, pursuant to Fla. Stat.