

MARKUP #1 ->

G. A current roster of all members and their designated mailing addresses and parcel identifications. A member’s designated mailing address is the member’s property address, unless the member has sent written notice to the Association requesting that a different mailing address be used for all required notices. The Association shall also maintain the email addresses and the facsimile numbers designated by members for receiving notice sent by electronic transmission of those members consenting to receive notice by electronic transmission. A member’s e-mail address is the e-mail address the member provided when consenting in writing to receiving notice by electronic transmission, unless the member has sent written notice to the Association requesting that a different e-mail address be used for all required notices. The e-mail addresses and facsimile numbers provided by members to receive notice by electronic transmission must be removed from association records when the member revokes consent to receive notice by electronic transmission. However, the Association is not liable for an erroneous disclosure of the e-mail address or the facsimile number for receiving electronic transmission of notices.

H. All of the Association’s insurance policies or a copy thereof.

I. A current copy of all contracts to which the Association is a party, including, without limitation, any management agreement, lease, or other contract under which the Association has any obligation or responsibility. Bids received by the Association for work to be performed are considered official records and must be kept for a period of one (1) year.

J. The financial and accounting records of the Association, kept according to good accounting practices. The financial and accounting records must include:

- (i) Accurate, itemized, and detailed records of all receipts and expenditures.
- (ii) A current account and a periodic statement of the account for each member, designating the name and current address of each member who is obligated to pay assessments, the due date and amount of each assessment or other charge against the member, the date and amount of each payment on the account, and the balance due.
- (iii) All tax returns, financial statements, and financial reports of the Association.
- (iv) Any other records that identify, measure, record, or communicate financial information.

K. A copy of the disclosure summary described in Section 720.401(1) of the Florida Statutes.

ISSUE #1

L. Ballots, sign-in sheets, voting proxies, and all other papers and electronic records relating to voting by parcel owners, which must be maintained for at least one (1) year after the date of the election, vote, or meeting.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. L (p. 45): Proxy provision permits proxies to remain valid beyond 90 days (e.g., 11 months, 1 year, or indefinitely), conflicting with the mandatory 90-day statutory expiration limit.

Statutory / Legal Reference: Fla. Stat. § 720.306(8)(a) & 617.0721

Statutory Comparison: Although general Florida Not For Profit Corporation Act defaults (Fla. Stat. § 617.0721(3)) reference an 11-month proxy period for ordinary nonprofits, Fla. Stat. § 720.306(8)(a) (HOAs) and § 718.112(2)(b)3 (Condominiums) expressly override that period for community associations and mandate that a proxy is effective only for the specific meeting for which it was originally given and in no event is valid for a period longer than 90 days after the date of the first meeting for which it was given.

CURRENT WORDING IN DOCUMENT:

Ballots, sign-in sheets, voting proxies, and all other papers and electronic records relating to voting by parcel owners, which must be maintained for at least one (1) year after the date of the election, vote, or meeting.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

In accordance with Fla. Stat. §§ 720.306(8)(a) & 617.0721, a proxy is effective only for the specific meeting for which it was originally given, as the meeting may lawfully be adjourned and reconvened from time to time, and automatically expires no later than ninety (90) days after the date of the first meeting for which it was given. Every proxy is revocable at any time at the pleasure of the member executing it.