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**TO: Carrington at Stonebridge Condominium Association**

**DATE: November 09, 2020**

**SUBJECT: Budget Meeting 2021**

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Dear Home Owner,

Enclosed you will find the proposed 2021 Budget. The Carrington Board of Directors will be discussing and approving the 2021 Budget on November 9, 2020, 9:00 am. The meeting will be held via Conference Call.

Owners calling in via Conference call for the meeting will have the opportunity to ask questions regarding the budget. See the attached information for more details about the meeting and proposed budget.

If you have any questions, please do not hesitate to contact me at 239-947-4552

Respectfully,

Michaela Neumann, CAM,  
Property Manager

**CARRINGTON at STONEBRIDGE CONDOMINIUM ASSOCIATION, INC.**

**VIRTUAL MEETING OF THE BOARD OF DIRECTORS**

NOTICE is hereby given that a meeting of the Board of Directors will be held at the date, hour and place noted below:

*“Delivered to homeowners by email and web site posting”*

**DATE:** November 9<sup>th</sup>, 2020

**HOOR:** 9:00 AM

**PLACE:** Stonebridge Country Club, 2100 Winding Oaks, Naples FL 34109

**Conference call number: 1-866-244-8528 Code: 349769**

*Based on guidance from the Florida Department of Health and the Centers for Disease Control and Prevention to minimize the spread of the COVID-19 virus, this meeting is not open to be attended in person. All members are invited to attend via conference call. Please have your phone MUTED until the Board is asking for owners comments.*

**AGENDA**

1. Call to order.
2. Determination of Quorum.
3. Proof of Notice.
4. Approval of Previous Meeting Minutes.
5. Unit Owner Comments\*
6. Board Reports:
  - a. Treasurer’s Report, KB
  - b. Landscaping & Ground Report MBP
  - c. Building and Carport Report MW & KB
  - d. Lease & Sales Report MW
  - e. Social Affairs Report CA
  - f. Pool Report MW
  - g. Presidents Report JB
  - h. Website Report JP
  - i. Emergency Disaster Report VB
7. Manager’s Report:
  - a. Carport repairs for remaining buildings at Carrington Ct update
  - b. Pressure Washing
  - c. Annual Fire Sprinkler Inspection
8. New Business:
  - a. 2021 Budget approval KB
  - b. Adopt Board Resolution Authorizing Electronic Voting and Participation for Association Meeting and Elections
  - c. Board Policies re-affirmed
  - d. Pool Renovation update CH & MP
9. Unit Owner Comments
10. Adjournment

\*The purposes of the meeting is to conduct such business as may properly come before the Board. “Owners are welcome to attend this meeting as per the advice indicated above. Comments will be limited to a maximum of 3 minutes per Unit and only to the items on the Agenda. Only the items on the agenda will be discussed.



**CARRINGTON AT STONEBRIDGE CONDO ASSOCIATION, INC.**

For the Period January 1, 2021 through December 31, 2021

Proposed Budget 2021

136 Units

	2020 BUDGET	ACTUAL 08/31/20	ESTIMATED 4 MONTHS 2020	ESTIMATED YEAR END	BUDGET 2021
<b>Income</b>					
4145 Maintenance Fees	386,016	257,344	128,672	386,016	386,044
4150 Reserve Assessments	76,384	57,288	19,096	76,384	76,356
4200 Interest/Late Fees	-	662	331	994	-
4240 Operating Interest	-	1,692	846	2,539	-
4260 Ins Claim Income - Hurricane	-	76,591	(5,342)	71,249	-
4295 Application Fees	11,000	4,050	2,025	6,075	8,000
4300 Reserve Transfer	(76,384)	(57,288)	(19,096)	(76,384)	(76,356)
<b>Total Income</b>	<b>397,016</b>	<b>340,340</b>	<b>126,532</b>	<b>466,872</b>	<b>394,044</b>
<b>Expenses</b>					
<b>Administrative</b>					
6025 Annual Corporate Fee	61	61	-	61	61
6028 Fees to Division	544	544	-	544	544
6040 Management	23,991	15,994	7,997	23,991	24,711
6045 Background check/Lease Exp	7,000	2,310	1,155	3,465	4,000
6050 Office Expense/Postage	7,500	5,230	2,615	7,845	7,500
6053 Website	1,500	1,140	-	1,140	1,250
6056 Legal/Accounting (CPA)	5,000	2,508	1,254	3,762	4,000
6070 Taxes/Licenses/Dues	1,500	2,415	-	2,415	2,000
<b>Building</b>					
6190 Building Maintenance	54,000	15,825	23,220	39,045	64,000
6191 Lighting	-	89	(89)	-	-
6192 Equipment & Supplies	1,000	382	280	662	1,000
6194 Janitorial/Pressure Cleaning	28,000	16,150	8,000	24,150	24,720
6210 Emergency Systems/Fire Equip.	18,000	33,040	(15,220)	17,820	8,000
6230 Exterminating	12,500	8,746	3,616	12,362	12,000
<b>Grounds</b>					
6141 Irrigation System Maintenance	5,000	2,471	1,235	3,706	4,000
6160 Landscape Contract	48,300	32,521	16,261	48,782	49,758
6162 Sod/Plantings/Annuals	15,000	1,901	10,342	12,243	15,000
6165 Tree Maint/Replacement	12,000	11,028	-	11,028	12,000
6167 Mulch/Sod/Plantings	6,000	-	6,000	6,000	6,000
6170 Pool Maintenance	7,500	4,240	1,944	6,184	6,500
<b>Insurance</b>					
6310 Package Insurance	72,000	45,605	24,735	70,340	76,000
<b>Other</b>					
6305 Contingency/Bad Debt	10,000	997	-	997	10,000
<b>Public Utilities</b>					
6100 Electricity/Pool Heat	8,500	5,489	2,744	8,233	8,500
6110 Refuse Removal/Recycling	17,120	14,056	3,411	17,467	17,500
6120 Water & Sewer	35,000	23,483	11,741	35,224	35,000
<b>Special Projects</b>					
6143 Gutters/Facias/Soffits	-	17,569	-	17,569	-
6144 Car Port Caps	-	33,280	-	33,280	-
6151 Lanai Project	-	20,400	-	20,400	-
6163 Landscape Replacement	-	5,342	(5,342)	-	-
<b>Total Operating Expenses</b>	<b>397,016</b>	<b>322,816</b>	<b>105,900</b>	<b>428,716</b>	<b>394,044</b>
<b>Reserve Funding</b>					
4250 Reserve Interest Income	-	989	495	1,484	-
Reserve Income	-	-	(1,484)	(1,484)	-
Reserve Expense	-	-	-	-	-
<b>Total Reserve Funding</b>	<b>-</b>	<b>989</b>	<b>(989)</b>	<b>-</b>	<b>-</b>
<b>Net Income/(Expense)</b>	<b>-</b>	<b>18,513</b>	<b>19,643</b>	<b>38,156</b>	<b>(0)</b>

**CARRINGTON AT STONEBRIDGE CONDO ASSOCIATION, INC.**

Budget Reserves For Capital Expenditure And Deferred Maintenance  
For the Period January 1, 2021 through December 31, 2021

Proposed Budget 2021

136 Units

10/14/2020	Estimated Life When New (Years)	Current Estimated Replacement Cost	2021 Estimated Remaining Life (Years)	8/31/2020 Current Reserve Balance	Add'l Reserve Funding 4th Qtr	Estimated Reserve Balance 1/1/2021	Additional Reserves Required	Annual Funding Required 2021	Board Proposed Funding 2021
Item									
<b>STATUTORY</b>									
Roof	30	1,500,000	28	87,500	12,500	100,000	1,400,000	50,000	50,000
Painting	7	130,000	6	14,090	4,643	18,733	111,267	18,544	18,545
Paving-Sealcoating	12	80,000	7	30,611	1,703	32,314	47,686	6,811	6,811
Pool	7	25,000	0	25,110	-	25,110	-	-	-
<b>NON-STATUTORY</b>									
Financial Reporting	3	6,000	0	6,001	-	6,001	-	-	-
Insurance Deductible	10	60,151	0	60,151	-	60,151	0	-	-
Capital Improvements		-	0	-	-	-	-	-	-
Roof Cleaning	3	12,000	1	10,750	250	11,000	1,000	1,000	1,000
Unallocated Reserve				10,332		10,332			
		<b>1,813,151</b>		<b>244,546</b>	<b>19,096</b>	<b>263,642</b>	<b>1,559,953</b>	<b>76,356</b>	<b>76,356</b>

WAIVING OF RESERVES, IN WHOLE OR IN PART, OR ALLOWING ALTERNATIVE USES OF  
EXISTING RESERVES MAY RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF  
UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

**CARRINGTON AT STONEBRIDGE CONDO ASSOCIATION, INC.**

Reserve &amp; Operating Assessment Schedules

For the Period January 1, 2021 through December 31, 2021

Proposed Budget 2021

	ANNUALLY	QUARTERLY
OPERATING ASSESSMENT	2,839	710
RESERVE ASSESSMENT	561	140
<b>TOTAL:</b>	<b>3,400</b>	<b>850</b>

<i>2020 Figures For Reference</i>	<i>ANNUALLY</i>	<i>QUARTERLY</i>
<i>Operating Assessment</i>	<i>2,838</i>	<i>710</i>
<i>Reserve Assessment</i>	<i>562</i>	<i>140</i>
	<i>3,400</i>	<i>850</i>

<b>FUNDING SCHEDULE</b>		
TOTAL EXPENSES	\$ 470,400	
BUDGETED RESERVES	\$ 76,356	# Units 136
OTHER INCOME	\$ 8,000	
OPERATING ASSESSMENTS REQUIRED	\$ 386,044	

**CARRINGTON AT STONEBRIDGE CONDOMINIUM ASSOCIATION, INC.**

**BOARD RESOLUTION AUTHORIZING ELECTRONIC VOTING AND PARTICIPATION FOR ASSOCIATION MEETINGS AND ELECTIONS**

WHEREAS, Section 718.128, Florida Statutes (2020) provides that an association may conduct elections and other unit owner votes through an Internet-based online voting system and/or the use of electronic notice if a unit owner consents, in writing, to online voting and/or electronic notice and if various requirements are met; and

WHEREAS, the Board has determined it to be in the best interest of the Association to enable the use of electronic voting and/or electronic notice in Association matters and to create the requisite authority required by the above-referenced statute.

NOW, THEREFORE, it is resolved as follows:

1. The Association may permit Unit Owners who desire to do so the ability to receive electronic notice and/or utilize electronic voting in conformance with the above-referenced statute, as amended from time to time, as well as any applicable administrative rules of the Florida Department of Business and Professional Regulation, as may now exist, be hereafter adopted, or as the same may be amended from time to time.

2. The Board or its President may determine that utilizing electronic notice and/or electronic voting is not in the best interest of the Association as to any particular meeting or election. Accordingly, there shall be no obligation for the Association to utilize electronic notice and/or electronic voting at any particular meeting or election.

3. Notice to Unit Owners of the opportunity to vote through an online voting system shall be provided as required by law.

4. The Association hereby adopts the following forms which are incorporated into this Resolution by reference:

4.1 Attached as **Exhibit "A"** is the "Consent to Electronic Voting and/or Consent to Receive Electronic Notice of Meetings," which a Unit Owner may sign and file with the Association, or which may be affirmed by the Unit Owner, in order for a Unit Owner to be entitled to vote by electronic means and/or to receive electronic notice of meetings; and

4.2 Attached as **Exhibit "B"** is the "Revocation of Consent to Electronic Voting and/or Revocation of Consent to Receive Electronic Notice of Meetings," which a Unit Owner may sign and file with the Association, or which may be affirmed by the Unit Owner, to revoke their consent to electronic voting and/or their consent to receive electronic notice of meetings.

Unless prohibited by law, an e-mail notification from a Unit Owner to the Association may be used in lieu of a signed consent or revocation form, in which case the terms of the attached consent and revocation forms are incorporated by reference and shall be deemed affirmed by the Unit Owner when consent is given or revoked by e-mail.

5. In order to implement electronic voting, the Association may contract with an outside vendor or other party that provides electronic voting services (referred to collectively hereinafter as the "Provider"). The Board shall use reasonable judgment to ensure that such Provider's services comply with the requirements of law.
6. The Association or its agent shall notify Unit Owners in meeting notice materials, as provided by law, of the ability to vote electronically, including, but not limited to, the Provider's e-mail address or website in a manner the Association reasonably believes to be sufficient to enable Unit Owners to participate in electronic voting.
7. Unit Owners who consent to vote by electronic means may still vote in person, if they choose, by paper means (use of proxies and ballots), or may send proxies to the Association by facsimile transmission or electronic mail, to the extent the Association otherwise receives and accepts proxies through such media. In the event of multiple votes cast by a Unit as to the same matter, the vote cast first in the election of Directors shall prevail, while the last vote cast will prevail with respect to non-election issues. In the absence of the Board announcing a different cutoff time/date for electronic voting, all electronic votes shall be cast no later than the start time of said meeting, at which time the ability to vote electronically shall be deemed closed for that meeting or election. In any instance wherein a meeting is lawfully adjourned and continued to a new time and date, for such matters to be voted upon but the question has not yet been called, the electronic voting shall be reopened following the adjournment to allow the Unit Owner to cast an electronic vote until the start time of the reconvening of the meeting, at which time the ability to vote electronically shall be deemed closed for that continued meeting.
8. By signing or affirming the consent form attached as Exhibit "A" hereto and otherwise choosing to vote electronically as enabled by this Resolution, each Unit Owner recognizes that the Association cannot control the practices of third parties regarding internet communications and use of the Owner's e-mail address. As such, and as a condition of the Association's agreement to permit electronic voting, each Unit Owner who consents to electronic voting releases and waives any claim against the Association pertaining to such voting, including, but not limited to, the transmission or placement of "viruses," "malware," "spyware," "cookies," and the like. Each Unit Owner who consents to electronic voting also consents to the Association's publication of their e-mail address, as well as other information (including necessary personal identifying information) to Providers or other third parties to the extent and as may be reasonably necessary to enable the use of electronic voting processes. Such information shall not be considered an official record and shall not be available for Unit Owner inspection unless required by law.
9. By signing or affirming the consent form attached as Exhibit "A" hereto, each Unit Owner further recognizes that internet/electronic communications may be subject to failure, interruptions, or other problems due to a variety of reasons, including, but not limited to, Unit Owner operator error, Provider system or server failures, "spam" blockers, power outages, and the like. As such, and as a condition of the Association's agreement to permit electronic voting, each Unit Owner who consents to electronic voting releases and waives any claim or challenge to such voting, including, but not limited to, situations where a Unit Owner vote was not received or counted by the Association due to no fault of the Board or management.

**CONSENT TO ELECTRONIC VOTING AND/OR CONSENT TO RECEIVE  
ELECTRONIC NOTICE OF MEETINGS**

The undersigned, being all the Owners, or an eligible voter, for Unit No./Address \_\_\_\_\_, at **Carrington at Stonebridge, a Condominium**, pursuant to Florida Statutes, hereby consent(s) in writing to:

*(Please place a check mark or x in the box or boxes below for which you are giving consent. You may consent to electronic voting, receiving electronic notice or both).*

1. ☐ **ELECTRONIC VOTING.** By signing this consent form (or consenting to electronic voting by e-mail sent to the Association), I/we consent to voting electronically at meetings and elections for **Carrington at Stonebridge Condominium Association, Inc.** to the fullest extent permitted by law, pursuant to the provisions of the Board's Resolution authorizing electronic voting ("Resolution"), and release and waive any claim against the Association pertaining to such voting, including, but not limited to, the transmission or placement of "viruses," "malware," "spyware," "cookies," and the like and any claim or challenge to such voting, including, but not limited to, situations where a Unit Owner vote was not received or counted by the Association due to no fault of the Board or management.

I/We designate the following e-mail address for electronic voting purposes, which e-mail address and other information (including personal identifying information) may be released to a third party that provides electronic voting services or other third parties to the extent and as may be reasonably necessary to enable the use of electronic voting processes:

(PRINT NEATLY) \_\_\_\_\_.

In the absence of the Board of Directors announcing a different deadline for consenting to electronic voting, the undersigned understands and agrees that in order to be valid, this consent form must be signed and on file with the Association at least **ten (10) days** prior to the meeting or election in which the Unit Owner wishes to vote by electronic means. To ensure that you are properly registered with the online voting system, it is highly encouraged that you register the account well in advance of the first meeting where you will be using electronic voting. The Board shall have the authority to set cutoff times for registering with the electronic voting system and for electronic voting in connection with the notice of any meeting where electronic voting will be used. In the absence of the Board of Directors announcing a different cutoff time/date for registering and voting, the Unit Owners must register with the electronic voting system and cast any electronic votes no later than the start time of the meeting, or the start time of the reconvening of an adjourned meeting, at which time the ability to vote electronically shall be deemed closed for that meeting or election.

I/We further understand and agree that, in order to use a different e-mail address for casting votes electronically, I/we must notify the Association in writing of the change of e-mail address no later than **ten (10) days** prior to the meeting or election in which the Unit Owner wishes to vote by electronic means. If I/we do not provide timely written notice of this change of e-mail address to the Association as provided herein, I/we further understand and agree that I/we may not be able to vote electronically until the next membership meeting and/or election.

Exhibit "A"

Consent to Electronic Voting and/or Consent to Receive Electronic Notice of Meetings

Page 1 of 2

2. ☐ **ELECTRONIC NOTICE.** I/we consent to receiving notice by electronic transmission for meetings of the Board, Committees, and Annual and Special Meetings of the Members of **Carrington at Stonebridge Condominium Association, Inc.** I/We designate the following e-mail address for electronic notice purposes:

*(You may write "same as above" or provide a different e-mail address for electronic notice purposes)* \_\_\_\_\_.

The undersigned understands that mailed/paper notice may not be provided to the Unit Owners unless the Unit Owners have rescinded their consent to receive electronic notice of meetings. **The undersigned also understands that if I/we have consented to receive electronic notice and have consented to vote electronically, we may not be provided with the election ballot and envelopes for voting in the election of Directors, as the Association will expect that my/our votes will be cast electronically.**

**Please be aware that if you consent to receive electronic notice of meetings, your e-mail address designated for that purpose will be an official record of the Association.**

All Owners of the Unit or Eligible Voter Please Print Name, Affix Date and Sign Below:

By: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Exhibit "A"

Consent to Electronic Voting and/or Consent to Receive Electronic Notice of Meetings

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## REVOCATION OF CONSENT TO ELECTRONIC VOTING

The undersigned, being all the Owners, or an eligible voter for Unit No./Address \_\_\_\_\_, at **Carrington at Stonebridge, a Condominium**, have previously consented in writing to electronic voting at meetings and elections and/or to receive electronic notice of meetings/elections for **Carrington at Stonebridge Condominium Association, Inc.**, as permitted by law and duly filed with the Association.

I/We hereby revoke my/our consent for the following (check all that apply):

☐ **Electronic Voting**

☐ **Electronic Notice**

The undersigned understands and agrees that if revoking consent for electronic voting, this form must be signed and on file with the Association no later than **ten (10)** days prior to the meeting or election in which the Unit Owner wishes to revoke consent to vote by electronic means or the revocation will not be effective until the next membership meeting and/or election. However, if the Association receives this revocation less than **ten (10)** days prior to the meeting or election, the revocation will be effective for the next subsequent membership meeting.

Furthermore, the undersigned understands and agrees that if revoking consent for electronic notice, this form must be signed and on file with the Association no later than **ten (10)** days prior to the Association sending notice of a meeting or election in which the Unit Owner wishes to revoke consent to electronic notice or the revocation will not be effective until the next meeting and/or election.

All Owners of the Unit or Eligible Voter Please Print Name, Affix Date and Sign Below:

By: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Exhibit "B"

Revocation of Consent to Electronic Voting and/or Revocation of Consent to Receive Electronic Notice of Meetings

Page 1 of 1

**The 2019 Florida Statutes**

Title XL  
REAL AND PERSONAL PROPERTY

Chapter 718  
CONDOMINIUMS

718.112 Bylaws.—

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

...(d) Unit owner meetings.—

Unit owners may waive notice of specific meetings if allowed by the applicable bylaws or declaration or any law. Notice of meetings of the board of administration, unit owner meetings, except unit owner meetings called to recall board members under paragraph (j), and committee meetings may be given by electronic transmission to unit owners who consent to receive notice by electronic transmission. A unit owner who consents to receiving notices by electronic transmission is solely responsible for removing or bypassing filters that block receipt of mass emails sent to members on behalf of the association in the course of giving electronic notices.

#### **61B-23.0029 Electronic Transmission of Notices.**

(1) Definitions. "Electronic transmission" means any form of communication, not directly involving the physical transmission or transfer of paper, that creates a record that may be retained, retrieved, and reviewed by the recipient and that may be directly reproduced in a comprehensible and legible paper form by the recipient through an automated process such as a printer or a copy machine. Examples of electronic transmission include, but are not limited to, telegrams, facsimile transmission of images, and text that is sent via electronic mail between computers. Electronic transmission does not include oral communication by telephone.

##### **(2) Association Notices.**

(a) Associations may opt to deliver meeting notices by electronic transmission by following these rules or by adopting bylaws that are consistent with these requirements.

(b) Associations that decide to stop delivery of notices by electronic transmission shall notify all owners by electronic transmission of the date on which electronic transmission of notices will cease. Associations must mail the notice to those owners whose consent has been revoked or was never given.

(3)(a) Consent and Revocation of Consent. In order to be effective, any consent given by a unit owner to receive notices via electronic transmission, and any revocation of consent, must be in writing and must be signed by the owner of record or by a person holding a power of attorney executed by the owner of record. Consent or revocation of consent may be delivered to the association via electronic transmission, by hand-delivery, by United States mail, by certified United States mail, or by other commercial delivery service. The unit owner bears the risk of ensuring delivery.

(b) Delivery of Consent or Revocation of Consent. Any consent given by a unit owner to receive notices via electronic transmission must be actually received by a current officer, board member, or manager of the association, or by the association's registered agent. Unless otherwise agreed to by an association in advance of delivery of any consent or revocation of consent, delivery to an attorney who has represented the association in other legal matters will not be effective unless that attorney is also a board member, officer, or registered agent of the association.

(c) Automatic Revocation of Consent. Consent shall be automatically revoked if the association is unsuccessful in providing notice via electronic transmission for two consecutive transmissions to an owner, if and when the association becomes aware of such electronic failures.

(4) Attachments and Other Information. In order to be effective notice, notice of a meeting delivered via electronic transmission must contain all attachments and information required by law. For example, but not by way of limitation, the second notice of election provided by Section 718.112(2)(d)3., F.S., must contain a second notice of the election along with the ballot and any valid candidate information sheets that are timely received. As a further example, electronic transmission of the budget meeting shall only be effective if a copy of the proposed annual budget accompanies the notice of budget meeting.

(5) Effect of Sending Electronic Meeting Notice. Notice of a meeting is effective when sent by the association, regardless of when the notice is actually received by the owner, if directed to the correct address, location or number, or if posted on a web site or internet location to which the owner has consented. The owner, by consenting to notice via electronic transmission, accepts the risk of not receiving electronic notice, except as provided in paragraph (2)(c) of this rule, so long as the association correctly directed the transmission to the address, number, or location provided by the owner. An affidavit of the secretary or other authorized agent of the association filed among the official records of the association that the notice has been duly provided via electronic transmission is verification that valid electronic transmission of the notice has occurred. An association may elect to provide, but is not required to provide, notice of meetings via non-electronic transmission even if notice has been sent to the same owner or owners via electronic transmission.

(6) Official Records. The association shall maintain among its official records, which shall be accessible to the owners or their duly authorized representatives, all consent forms including electronic numbers, addresses and locations, all affidavits, all fax receipts of notice and related communications, copies of all electronic notices and attachments sent by the association, and any other record created or received by the association related to the electronic transmission of meeting notices, except as provided in Section 718.111(12)(a)7., F.S. Electronic records may be maintained in electronic or paper format, but must be available for inspection and copying upon unit owner request.

*Specific Authority 718.112(2)(d)3., 718.501(1)(f) FS. Law Implemented 718.111(12)(a)7., 718.112(2)(c), (d)2., 3., 5., (e) FS. History—New 7-27-06.*

## The 2019 Florida Statutes

### Title XL REAL AND PERSONAL PROPERTY

### Chapter 718 CONDOMINIUMS

718.128 Electronic voting.—The association may conduct elections and other unit owner votes through an Internet-based online voting system if a unit owner consents, in writing, to online voting and if the following requirements are met:

(1) The association provides each unit owner with:

(a) A method to authenticate the unit owner's identity to the online voting system.

(b) For elections of the board, a method to transmit an electronic ballot to the online voting system that ensures the secrecy and integrity of each ballot.

(c) A method to confirm, at least 14 days before the voting deadline, that the unit owner's electronic device can successfully communicate with the online voting system.

(2) The association uses an online voting system that is:

(a) Able to authenticate the unit owner's identity.

(b) Able to authenticate the validity of each electronic vote to ensure that the vote is not altered in transit.

(c) Able to transmit a receipt from the online voting system to each unit owner who casts an electronic vote.

(d) For elections of the board of administration, able to permanently separate any authentication or identifying information from the electronic election ballot, rendering it impossible to tie an election ballot to a specific unit owner.

(e) Able to store and keep electronic votes accessible to election officials for recount, inspection, and review purposes.

(3) A unit owner voting electronically pursuant to this section shall be counted as being in attendance at the meeting for purposes of determining a quorum. A substantive vote of the unit owners may not be taken on any issue other than the issues specifically identified in the electronic vote, when a quorum is established based on unit owners voting electronically pursuant to this section.

(4) This section applies to an association that provides for and authorizes an online voting system pursuant to this section by a board resolution. The board resolution must provide that unit owners receive notice of the opportunity to vote through an online voting system, must establish reasonable procedures and deadlines for unit owners to consent, in writing, to online voting, and must establish reasonable procedures and deadlines for unit owners to opt out of online voting after giving consent. Written notice of a meeting at which the resolution will be considered must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property or association property at least 14 days before the meeting. Evidence of compliance with the 14-day notice requirement must be made by an affidavit executed by the person providing the notice and filed with the official records of the association.

(5) A unit owner's consent to online voting is valid until the unit owner opts out of online voting according to the procedures established by the board of administration pursuant to subsection (4).

(6) This section may apply to any matter that requires a vote of the unit owners who are not members of a timeshare condominium association.

History.—s. 4, ch. 2015-97.

**61B-23.0021 Regular Elections; Vacancies Caused by Expiration of Term, Resignations, Death; Election Monitors.**

(1)(a) Unless otherwise provided herein, the provisions of this rule apply to all regular and run-off elections conducted by a condominium association, regardless of any provision to the contrary contained in the declaration, articles of incorporation, or bylaws of the association.

(b) Except as otherwise provided by Rules 61B-23.0027 and 61B-23.0028, F.A.C., the provisions of this rule do not apply to vacancies created by the recall of a board member or members. The method of removing board members by recall and the procedures for filling such vacancies are set forth in Rules 61B-23.0026 through 61B-23.0028, F.A.C.

(c) In order to adopt different voting and election procedures in its bylaws pursuant to Section 718.112(2)(d), F.S., an association must obtain the affirmative vote of a majority of the total voting interests even if different amendatory procedures are contained in an association's bylaws. Such vote must be taken on or after June 14, 1995. The phrase "different voting and election procedures" as used in this rule and as used in Section 718.112(2)(d), F.S., refers to procedures used only for the election of board members.

(d) Balloting is not necessary to fill any vacancy unless there are two or more eligible candidates for that vacancy. In such a case, not later than the date of the scheduled election:

1. For a regular election the association shall call and hold a meeting of the membership to announce the names of the new board members, or shall notify the unit owners of the names of the new board members or that one or more board positions remain unfilled, as appropriate under the circumstances. In the alternative, the announcement may be made at the annual meeting.

2. For an election pursuant to Section 718.112(2)(d)9., F.S., to fill a vacancy, the association shall call and hold a meeting of the membership to announce the names of the new board members or, in the alternative, shall notify the unit owners of the names of the new board members or that one or more board positions remain unfilled, as appropriate under the circumstances.

(2) A regular or general election for purposes of this rule shall be an election to fill a vacancy caused by expiration of a term in office. A regular or general election shall occur at the time and place at which the annual meeting is scheduled to occur, regardless of whether a quorum is present. Other elections as may be required shall occur in conjunction with duly called meetings of the unit owners, regardless of whether a quorum is attained for the meeting.

(3) A board of administration shall not create or appoint any committee for the purpose of nominating a candidate or candidates for election to the board. A board may create or appoint a search committee which shall not have the authority to nominate any candidate, but may encourage qualified persons to become candidates for the board.

(4) The first notice of the date of the election, which is required to be mailed, electronically transmitted, or delivered not less than 60 days before a scheduled election, must contain the name and correct mailing address of the association. The first notice must also disclose the procedure and deadline to consent to electronic voting, if the board of administration has provided for and authorized an online voting system. Failure to follow the procedures for giving the first notice of the date of the election shall require the association to conduct a new election, if the election has been conducted. Where the election has not occurred, the association shall mail, transmit, or deliver an amended first notice to the eligible voters not less than 60 days before the scheduled election, which shall explain the need for the amended notice. If an amended notice cannot be mailed, transmitted or delivered not less than 60 days before the election, then the association must re-notice and reschedule the election.

(5) A unit owner or other eligible person desiring to be a candidate for the board of administration shall give written notice to the association not less than 40 days before a scheduled election. Written notice shall be effective when received by the association. Written notice shall be accomplished in accordance with one or more of the following methods:

- (a) By certified mail, return receipt requested, directed to the association; or
- (b) By personal delivery to the association; or
- (c) By regular U.S. mail, facsimile, telegram, or other method of delivery to the association.

(6) Upon receipt by the association of any timely submitted written notice by personal delivery that a unit owner or other eligible person desires to be a candidate for the board of administration, the association shall issue a written receipt acknowledging delivery of the written notice. Candidates who timely submit a written notice by mail may wish to send the written notice by certified mail in order to obtain a written receipt.

(7) Upon the timely request of a candidate as set forth in this paragraph, the association shall include, with the second notice of election described in subsection (8) below, a copy of an information sheet which may describe the candidate's background, education, and qualifications. The information contained therein shall not exceed one side of the sheet, which shall be no larger than 8 1/2 inches by 11 inches. Any candidate desiring the association to mail or personally deliver copies of an information sheet to the eligible voters must furnish the information sheet to the association not less than 35 days before the election. If two or more candidates consent in writing, the association may consolidate into a single side of a page the candidate information sheets submitted by those candidates. The failure of an association to mail, transmit or personally deliver a copy of a timely delivered information sheet of each eligible candidate to the eligible voters shall require the association to mail, transmit, or deliver an amended second notice within the time required by this rule, which shall explain the need for the amended notice and include the information sheet(s) not included with the initial second notice. If an amended second notice cannot be timely mailed, transmitted or delivered, the association must re-notice and reschedule the election following the procedures as set forth in subsection (8) of this rule. If the election has already occurred, the election is deemed void and the association must renotice the election following the procedures as set forth in subsection (8) of this rule. No association shall edit, alter, or otherwise modify the content of the information sheet. The original copy provided by the candidate shall become part of the official records of the association.

(8) In accordance with the requirements of Section 718.112(2)(d), F.S., the association shall mail or deliver to the eligible voters at the addresses listed in the official records a second notice of the election, together with a ballot and any information sheets timely submitted by the candidates. The association shall mail or deliver the second notice no less than 14 days and no more than 34 days prior to the election. The second notice and accompanying documents shall not contain any communication by the board that endorses, disapproves, or otherwise comments on any candidate. Accompanying the ballot shall be an outer envelope addressed to the person or entity authorized to receive the ballots and a smaller inner envelope in which the ballot shall be placed. The exterior of the outer envelope shall indicate the name of the voter, and the unit or unit numbers being voted, and shall contain a signature space for the voter. Once the ballot is filled out, the voter shall place the completed ballot in the inner smaller envelope and seal the envelope. The inner envelope shall be placed within the outer larger envelope, and the outer envelope shall then be sealed. Each inner envelope shall contain only one ballot, but if a person is entitled to cast more than one ballot, the separate inner envelopes required may be enclosed within a single outer envelope. The voter shall sign the exterior of the outer envelope in the space provided for such signature. The envelope shall either be mailed or hand delivered to the association. Upon receipt by the association, no ballot may be rescinded or changed.

(9)(a) The ballot shall indicate in alphabetical order by surname each and every unit owner or other eligible person who desires to be a candidate for the board of administration, and who gave written notice to the association not less than 40 days before a scheduled election, unless such person has withdrawn his candidacy in writing prior to the mailing of the ballot. The failure of the ballot to indicate the name of each eligible person shall require the association to mail, transmit, or deliver an amended second notice within the time required by this rule, which shall explain the need for the amended notice and include a revised ballot with the names of all eligible persons. If an amended second notice cannot be timely mailed, transmitted or delivered, then the association must re-notice and reschedule the election following the procedures as set forth in subsection (8) of this rule. If the election has already occurred, the election is deemed void and the association must renotice the election following the procedures as set forth in subsection (8) of this rule. No ballot shall indicate which candidates are incumbents on the board. No write-in candidates shall be permitted. No ballot shall provide a space for the signature of or any other means of identifying a voter. Except where all voting interests in a condominium are not entitled to one whole vote (fractional voting), or where all voting interests are not entitled to vote for every candidate (class voting), all ballot forms utilized by a condominium association, whether those mailed to voters or those cast at a meeting, shall be uniform in color and appearance. In the case of fractional voting, all ballot forms utilized for each fractional vote shall be uniform in color and appearance. And in class voting situations, within each separate class of voting interests all ballot forms shall be uniform in color and appearance.

(b) If the ballot includes the name of any ineligible person, the association shall mail, transmit, or deliver an amended second notice within the time required by this rule, which shall explain the need for the amended notice and include a revised ballot with the names of only the eligible persons. If an amended second notice cannot be timely mailed, transmitted or delivered, then the association must re-notice and reschedule the election following the procedures as set forth in subsection (8) of this rule. If the election has already occurred, the election is deemed void and the association must renotice the election following the procedures as set forth in subsection (8) of this rule. This paragraph (b) does not apply to a ballot that includes the name of any ineligible person who became ineligible after the deadline for filing a notice of intent to be a candidate.

(10) Envelopes containing ballots received by the association shall be retained and collected by the association and shall not be opened except in the manner and at the time provided herein.

(a) Any envelopes containing ballots shall be collected by the association and shall be transported to the location of the duly called meeting of the unit owners. The association shall have available at the meeting additional blank ballots for distribution to the eligible voters who have not cast their votes. Each ballot distributed at the meeting shall be placed in an inner and outer envelope in the manner provided in subsection (8) of this rule. Each envelope and ballot shall be handled in the following manner. As the first order of business, ballots not yet cast shall be collected. The ballots and envelopes shall then be handled as stated below by an impartial committee as defined in paragraph (b). The business of the meeting may continue during this process. The signature and unit identification on the outer envelope shall be checked against a list of qualified voters, unless previously validated as provided in paragraph (b) below. Any exterior envelope not signed by the eligible voter shall be marked "Disregarded" or with words of similar import, and any ballots contained therein shall not be counted. The voters shall be checked off on the list as having voted. Then, in the presence of any unit owners in attendance, and regardless of whether a quorum is present, all inner envelopes shall be first removed from the outer envelopes and shall be placed into a receptacle. Upon the commencement of the opening of the outer envelopes or accessing of the electronic votes, whichever occurs first, the polls shall be closed, and no more ballots shall be accepted. The inner envelopes shall then be opened and the ballots shall be removed and counted in the presence of the unit owners. Any inner envelope containing more than one ballot shall be marked "Disregarded", or with words of similar import, and any ballots contained

therein shall not be counted. All envelopes and ballots, whether disregarded or not, shall be retained with the official records of the association.

(b) Any association desiring to verify outer envelope information in advance of the meeting may do so as provided herein. An impartial committee designated by the board may, at a meeting noticed in the manner required for the noticing of board meetings, which shall be open to all unit owners and which shall be held on the date of the election, proceed as follows. For purposes of this rule, "impartial" shall mean a committee whose members do not include any of the following or their spouses:

1. Current board members;
2. Officers; and
3. Candidates for the board.

At the committee meeting, the signature and unit identification on the outer envelope shall be checked against the list of qualified voters. The voters shall be checked off on the list as having voted. Any exterior envelope not signed by the eligible voter shall be marked "Disregarded" or with words of similar import, and any ballots contained therein shall not be counted.

(c) If two or more candidates for the same position receive the same number of votes, which would result in one or more candidates not serving or serving a lesser period of time, the association shall, unless otherwise provided in the bylaws, conduct a runoff election in accordance with the procedures set forth herein. Within 7 days of the date of the election at which the tie vote occurred, the board shall mail or personally deliver to the voters, a notice of a runoff election. The only candidates eligible for the runoff election to the board position are the runoff candidates who received the tie vote at the previous election. The notice shall inform the voters of the date scheduled for the runoff election to occur, shall include a ballot conforming to the requirements of this rule, and shall include copies of any candidate information sheets previously submitted by those candidates to the association. The runoff election must be held not less than 21 days, nor more than 30 days, after the date of the election at which the tie vote occurred.

(11) Electronic Voting. The requirements for providing an online voting system are contained in Rule 61B-23.00211, F.A.C.

(12) Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write, may request the assistance of a member of the board of administration or other unit owner to assist in casting his vote. If the election is by voting machine, any such voter, before retiring to the voting booth, may have a member of the board of administration or other unit owner or representative, without suggestion or interference, identify the specific vacancy or vacancies and the candidates for each. If a voter requests the aid of any such individual, the two shall retire to the voting booth for the purpose of casting the vote according to the voter's choice.

(13) At a minimum, all voting machines shall meet the following requirements:

- (a) Shall secure to the voter secrecy in the act of voting;
- (b) Shall permit the voter to vote for as many persons and offices as he is lawfully entitled to vote for, but no more;
- (c) Shall correctly register or record, and accurately count all votes cast for any and all persons;
- (d) Shall be furnished with an electric light or proper substitute, which will give sufficient light to enable voters to read the ballots; and

(e) Shall be provided with a screen, hood, or curtain which shall be made and adjusted so as to conceal the voter and his actions while voting.

(14) Notices of election, notices of candidacy for election, information sheets, voting envelopes, written approval of budgets, written agreements for recall of board members, ballots, sign-in sheets, voting proxies, and all other papers or electronic records relating to voting by unit owners shall be maintained as part of the official records of the association for a period of 1 year from the date of the election, vote, or meeting to which the document relates.

(15) Election Monitors. The procedures for filing a petition for the appointment of an election monitor are contained in Rule 61B-23.00215, F.A.C.

*Rulemaking Authority 718.112(2)(d)4., 718.501(1)(f) FS. Law Implemented 718.112, 718.128 FS. History—New 1-23-92, Amended 12-20-92, Formerly 7D-23.0021, Amended 8-24-94, 12-20-95, 1-19-97, 4-14-99, 2-19-01, 12-23-02, 8-7-05, 8-28-06, 3-21-16.*

**61B-23.00211 Electronic Voting.**

(1) "Election Officials," as used in Section 718.128, F.S., includes the division, the ombudsman, and election monitors appointed by the ombudsman.

(2) "Consent, in writing," as used in Section 718.128, F.S., may be made via email; the email address of the unit owner consenting is not considered an official record, however, unless the unit owner has previously consented to receive notices via email.

(3) The board resolution required by Section 718.128(4), F.S., must provide that all unit owners receive notice of the opportunity to vote through an online voting system when the association utilizes online voting. The opportunity to vote online must be included in the notice of the meeting requiring the vote.

(4) The electronic voting system must provide the unit owner with a receipt of their vote, which must include the specific vote cast, the date and time of submission, and the user identification.

(5) The electronic voting system must produce an official record that the association must maintain, which identifies the specific votes cast on each ballot and the date and time of receipt of the electronically submitted ballot.

(6) For elections, electronic votes shall not be accessible to the association prior to the scheduled election. Failure to comply with this subsection will void the election and the association must renote the election following the procedures as set forth in subsection 61B-23.0021(8), F.A.C.

*Rulemaking Authority 718.112(2)(d)4., 718.501(1)(f) FS. Law Implemented 718.128 FS. History—New 3-21-16.*