

MEMBERSHIP VOTING BY PROXY

Unless your condominium bylaws state otherwise, the percentage of voting interest required constituting a quorum for a meeting of the membership, should be a majority of the voting interest (total membership). Although, some decisions may be made once a quorum is established at a membership meeting that requires only a majority of the voting interest represented at a meeting, in person or by proxy.

The condominium act 718.112 (b) (2) FS although allowing the use of proxies by owners does restrict or limits its use. “ Except as specifically otherwise provided herein, after January 1, 1992, unit owners may not vote by general proxy, but may vote by limited proxies substantially conforming to a limited proxy form adopted by the division. Limited proxies and general proxies may be used to establish a quorum. Limited proxies may be used for votes taken to waive or reduce reserves, for votes taken to waive financial statement requirements, for votes taken to amend the declaration, for votes taken to amend the articles of incorporation or bylaws, and for any other matter for which this chapter requires or permits a vote of the unit owners.” (718.112 (b) FS)

The following is a sample proxy as provided by the BPR:

SAMPLE LIMITED PROXY FORM

The undersigned, owner(s) or designated voter of unit No. _____ in _____ (name) _____ Condominium, appoints

(PRINT NAME OF PROXYHOLDER)

or _____ (*Instructions to associations: Fill in the name or position of an officer or director who will serve as proxyholder.*) as my proxyholder to attend the meeting of the members of

_____ (name) _____ Condominium Association, Inc., to be held ____ (date) _____, 20__, at _____ (time) _____, in _____ (place) _____, Florida. The proxyholder named above has the authority to vote and act for me to the same extent that I would if personally present, with power of substitution, except that my proxyholder's authority is limited as indicated below:

GENERAL POWERS (You may choose to grant general powers, limited powers or both. Check “General Powers” if you want your proxyholder to vote on other issues which might come up at the meeting and for which a limited proxy is not required).

_____ I authorize and instruct my proxy to use his or her best judgment on all other matters which properly come before the meeting and for which a general power may be used.

LIMITED POWERS (FOR YOUR VOTE TO BE COUNTED ON THE FOLLOWING ISSUES, YOU MUST INDICATE YOUR PREFERENCE IN THE BLANK(S) PROVIDED BELOW).

I SPECIFICALLY AUTHORIZE AND INSTRUCT MY PROXYHOLDER TO CAST MY VOTE IN REFERENCE TO THE FOLLOWING MATTERS AS INDICATED BELOW:
*(Instructions to associations; List below the specific questions or issues to be voted on. **The following are only examples.**)*

1. Should the reserves required by § 718.112(2)(f), Florida Statutes, be waived for the next fiscal/calendar year?

_____ YES _____ NO

2. Should the audit of the Association records by a certified public accountant be waived for the next fiscal/calendar year?

_____ YES _____ NO

DATE: _____

SIGNATURE(S) of OWNER(S) OR DESIGNATED VOTER

SUBSTITUTION OF PROXYHOLDER

The undersigned, appointed as proxyholder above, designates _____ to substitute for me in voting the proxy as set forth above. (print name)

_____ Date: _____

Signature of proxyholder

THIS PROXY IS REVOCABLE BY THE UNIT OWNER AND IS VALID ONLY FOR THE MEETING FOR WHICH IT IS GIVEN AND ANY LAWFUL ADJOURNMENT. IN NO EVENT IS THE PROXY VALID FOR MORE THAN NINETY (90) DAYS FROM THE DATE OF THE ORIGINAL MEETING FOR WHICH IT WAS GIVEN.

(BPR Form 33-033 Revised: 11/23/93)

The substitution of proxy is for the purpose of the designated proxy to appoint another person in case the original designated proxy holder cannot attend the meeting.

A condominium association may waive the reserve requirement or reduce the funding of reserves for a fiscal year by a vote of the majority of the voting interests present in person or by limited proxy at a duly

called association meeting. This means a majority of persons voting, not a majority of the total membership.

A reserve account may be used for purposes other than that for which it was originally intended if so approved in advance by a majority vote in person or by proxy. This means a majority vote of the entire membership at a duly called meeting and not necessarily a majority vote of the people voting in person or by proxy.

In case the meeting does not take place or for some reason is reconvened, proxies are valid for a period of ninety days. This requirement also holds true for homeowner association proxies.

By the way, have we mentioned the use of “Voting Certificates” at membership meetings?

It may well be a lot less complicated to attend the membership meetings in person and not have to worry about proxies. You never know, you may meet some very nice neighbors who are happy property owners and actually support the excellent job your board of directors are doing in managing your association.

However, proxies may not be used for voting for Board of Director candidates. This has to be accomplished by using a secret ballot system

∇ Walt Hammerling is a CAM and not an attorney. Please contact your Association attorney for information dealing with your Association. Walt Hammerling is the President of Argus Property Management, Inc. and the Broker of record for Argus Realty Group, Inc. He may be reached at either (941) 927-6464 or at Argusmgmt.com