

THIS INSTRUMENT PREPARED BY
AND RETURN TO
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✓ 4883 OAK POINTE WAY
SARASOTA, FL 34233

RECORDED IN OFFICIAL RECORDS
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KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FL



**RESOLUTION
OF THE
BOARD OF DIRECTORS
OF
GROVE POINTE HOMEOWNERS ASSOCIATION, INC.**

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

WHEREAS, Section 720.317, Florida Statutes (2016) provides that an association may conduct elections and other lot owner votes through an Internet-based online voting system if a lot owner consents, in writing, to online voting and if various requirements are met; and

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

NOW THEREFORE, it is hereby resolved as follows:

1. The Association may permit Lot Owners who desire to do so the ability to 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 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 voting at any particular meeting or election.

3. Notice to Lot 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:

- Attached as **Exhibit "A"** is the "Consent to Electronic Voting and/or Consent to Receive Electronic Notice of Meetings," which Lot Owners may sign and file with the Association, or which may be affirmed by the Lot Owner, in order for a Lot Owner to be entitled to vote by electronic means and/or to receive electronic notice of meetings; and
- Attached as **Exhibit "B"** is the "Revocation of Consent to Electronic Voting and/or Revocation of Consent to Receive Electronic Notice of Meetings," which Lot Owners may sign and file with the Association, or which may be affirmed by the Lot 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 Lot 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 Lot 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. The Board shall use reasonable judgment to ensure that such vendors' services comply with the requirements of law.

6. The Association or its agent shall notify Lot 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 Lot Owners to participate in electronic voting.

7. Lot 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 Lot 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.

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 Lot 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 Lot 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 Lot 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 electronic voting service 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 Lot Owner inspection unless required by law.

9. By signing or affirming the consent form attached as Exhibit "A" hereto, each Lot 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 Lot 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 Lot Owner who consents to electronic voting releases and waives any claim or challenge to such voting, including but not limited to situations where a Lot Owner vote was not received or counted by the Association due to no fault of the Board of Directors or management.

This Resolution was adopted by the Board of Directors on the 27 day of Sep 2016, and is effective upon adoption. The meeting at which this Resolution was adopted was preceded by notice provided to each Lot Owner fourteen (14) days in advance of said meeting either by U.S. mail, hand-delivery, or electronic mail (in cases where Lot Owners have consented to receive official Association notices by electronic mail) and by posting said notice conspicuously on the Association Property fourteen (14) days in advance of said meeting. An Affidavit attesting to such notice is kept amongst the official records of the Association.

There are three total Board members; two were in attendance at this meeting. The number of Board members who voted in favor of this Resolution is 2. The number of Board members who voted against this Resolution is 0. The vote of each Director is reflected in the minutes of the meeting at which this Resolution was adopted.

GROVE POINTE HOMEOWNERS ASSOCIATION, INC.



BY: [Signature]
FOR John Smith, President
Tim Holliday, VP

Date: 9-27-16

BY: [Signature]
Thomas M. Wilcox, Secretary

Date: 9-27-16

[Signature]
Witness Signature

Sarah Love
Printed Name

[Signature]
Witness Signature

THOMAS J. BAST
Printed Name

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

The undersigned, being all the Owners, or an eligible voter, for Lot No. _____, Street Address _____, at *Grove Pointe*, 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 notices 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 *Grove Pointe Homeowners Association, Inc.* to the fullest extent permitted by law, pursuant to the provisions of the Board's Resolution authorizing electronic voting ("Resolution"). I/We designate the following email address for electronic voting purposes: (PRINT NEATLY) _____ . The undersigned understands and agrees that in order to be valid, this consent form must be signed and on file with the Association no later than **72** hours prior to the meeting or election in which the Unit Owner wishes to vote by electronic means, and that all electronic votes shall be cast at least **48** hours in advance of said 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 **72** hours prior to the meeting or election in which the Lot 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.

2. **ELECTRONIC NOTICES.** I/we consent to receiving notice by electronic transmission for meetings of the Board of Directors, Committees, and Annual and Special Meetings of the Members of *Grove Pointe Homeowners Association, Inc.* I/We designate the following email address for electronic noticing purposes: *(you may write "same as above" or provide a different email address)* _____ . The undersigned understands that mailed/paper notices may not be provided to the Lot Owners unless the Lot Owners have rescinded their consent to receive electronic notice of meetings. **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 Lot or Eligible Voter Please Print Name, Affix Date and Sign Below:

By: _____

By: _____

Print Name: _____

Print Name: _____

Date: _____

Date: _____

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

The undersigned, being all the Owners, or an eligible voter for Lot No. _____, Street Address _____, at **Grove Pointe**, have previously consented in writing to electronic voting at meetings and elections and/or to receive electronic notice of meetings / elections for **Grove Pointe Homeowners 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 Notices

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 Lot 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 **seventy-two (72) hours** 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 Lot or Eligible Voter Please Print Name, Affix Date and Sign Below:

By: _____

By: _____

Print Name: _____

Print Name: _____

Date: _____

Date: _____