

**SPINNAKER POINT CONDOMINIUM ASSOCIATION INC.**

**BOARD RESOLUTION REGARDING USE OF ELECTRONIC NOTICE FOR ASSOCIATION MEETINGS**

**WHEREAS**, Section 718.112(2)(d)6 of the Florida Statutes provides:

...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.

**WHEREAS**, Rule 61B-23.0029 of the Florida Administrative Code provides:

(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, 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 Associations must mail the notice to those owners whose consent has been revoked or was never given.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) Consent and Revocation of Consent:

(a) 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.



(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 the budget meeting.

(5) Effect of Sending Electronic Meeting Notice:

Notice of a meeting is effective when sent by the association, regardless of when the 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 authorize representative, all consent forms including electronic number, addresses and location, all affidavits, all fax receipt 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 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 inspections and copying upon unit owner request.

**WHEREAS**, THE Board of Directors has determined it to be in the best interest of the Association to permit the use of electronic notice for Association meetings.

**NOW THEREFORE, BE IT RESOLVED** as follows:

1. The Association shall permit Unit Owners who desire to do so to utilize notice in conformance with the above-quoted statute and administrative rules, as amended from time to time.
2. The Board may determine in the future that utilizing electronic notice is not in the best interest of the Association and may discontinue doing so by proper motion or resolution and required notice to Owners.



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

- Attached as **Exhibit "A"** is the "Consent to Receive Electronic Notice of Meetings," which Unit Owners may sign and file with the Association, or be affirmed by the Unit Owner, in order to be entitled to receive notices by electronic transmission.
- Attached as **Exhibit "B"** is the "revocation of Consent to Receive Electronic Notice," which Unit Owners may sign and file with the Association, or be affirmed by the Unit Owner, to revoke their consent to receive notices by electronic transmission.

The attached forms should be signed by all record Owners of the Unit. If at least one record Owner signs the form, the Association may, but shall not be obligated to, recognize the authority of that Unit Owner to consent to receipt of official Association notices by electronic transmission.

This Resolution was adopted by the Board of Directors on the 18 day of June 2024, and is effective upon adoption. There are      number of Board members who voted in favor of this Resolution. The number of Board members who voted against this Resolution is     . The vote of each Director is reflected in the minutes of the meeting at which this Resolution was adopted.

SPINNAKER POINT CONDOMINIUM ASSOCIATION, INC.

BY:   
President

Date: June 18, 2024



## CONSENT TO RECEIVE ELECTRONIC NOTICE OF MEETINGS

The undersigned, being all the Owners or an eligible voter of Unit No. \_\_\_\_\_ at Spinnaker Point Condominium Assn, **A Condominium**, pursuant to Florida Statutes, hereby consent in writing to receiving notice by electronic transmission for certain meetings of the Board of Directors, Committees, and Annual and Special Meetings of the Members of **Spinnaker Point Condominium Association** to the fullest extent permitted by law.

I/We designate the following email address(s) for electronic notice purposes:

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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.

**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:

Signature: \_\_\_\_\_

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

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

Signature: \_\_\_\_\_

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

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

### Exhibit A

### Consent to Receive Electronic Notice of Meetings



**REVOCATION OF CONSENT TO RECEIVE ELECTRONIC NOTICE  
OF MEETINGS**

The undersigned, being all the Owners or an eligible voter of Unit No. \_\_\_\_\_  
at Spinnaker Point Condominium Assn, **A Condominium**, having previously consented in  
writing to receiving electronic notice of meetings/election **Spinnaker Point Condominium  
Association**, as permitted by law and duly filed with the Association:

I/We ☐ **do** ☐ **do not** (if left blank, "do not" will be presumed)  
request the my/our email address(s) be removed from the official records of the Association  
which are open to inspection by other Unit Owners as provided by law.

The undersigned hereby revokes that consent and requests that all future notices be sent in  
paper format. Furthermore, the undersigned understands and agrees that 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 Unit or Eligible Voter Please Print  
Name, Affix Date and Sign Below:

Signature: \_\_\_\_\_

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

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

Signature: \_\_\_\_\_

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

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

**Exhibit B**

Revocation of Consent to Receive Electronic Notice