

BAREFOOT PELICAN CONDOMINIUM ASSOCIATION, INC.

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

WHEREAS, Section 718.128, Florida Statutes (2022) provides that an 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 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 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 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 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 these Rules by reference:

4.1 Attached as **Exhibit "A"** is the "Consent to Electronic Voting," 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

4.2 Attached as **Exhibit "B"** is the "Revocation of Consent to Electronic Voting," 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.

Unless prohibited by law, an e-mail notification from a Unit Owner to the Association or the Unit Owner's completion of an online voting consent or revocation form 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. Any valid consent on file with the Association prior to the adoption of this Resolution is valid and need not be replaced with a new form.

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 these Rules, 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.

This Resolution was adopted by the Board of Directors on the 13th day of September 2022 and is effective upon adoption. The meeting at which this Resolution was adopted was preceded by notice provided to each Unit Owner fourteen (14) days in advance of said meeting

either by U.S. mail, hand-delivery, or electronic mail (in cases where Unit Owners have consented to receive official Association notices by electronic mail) and by posting said notice conspicuously on the Condominium 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 5 () total Board members. The number of Board members who voted in favor of this Resolution is 5. 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.

BAREFOOT PELICAN CONDOMINIUM
ASSOCIATION, INC.

BY: Kimberly Braham-Moody Pres.
Kimberly Braham-Moody, President

Date: 9/13/2022

(CORPORATE SEAL)

CONSENT TO ELECTRONIC VOTING

The undersigned, being all the Owners, or an eligible voter, for Unit No./Address _____, at **Barefoot Pelican, a Condominium**, pursuant to Florida Statutes, hereby consent(s) in writing to electronic voting.

By signing this consent form (or consenting to electronic voting by e-mail sent to the Association or the Unit Owner's completion of an online voting consent form), I/we consent to voting electronically at meetings and elections for **Barefoot Pelican 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.

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

By: _____

By: _____

Print Name: _____

Print Name: _____

Date: _____

Date: _____

REVOCATION OF CONSENT TO ELECTRONIC VOTING

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

I/We hereby revoke my/our consent for electronic voting.

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.

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

By: _____

By: _____

Print Name: _____

Print Name: _____

Date: _____

Date: _____