

Instrument prepared by:
Christopher L. Pope, Esq.
PAVESE LAW FIRM
1833 Hendry Street
Fort Myers, Florida 33901
Telephone: (239) 334-2195

CERTIFICATE OF RECORDING

**RESOLUTION AUTHORIZING ELECTRONIC VOTING AND ELECTRONIC
NOTICE FOR ASSOCIATION MEETINGS AND ELECTIONS OF
PALM ISLAND PHASE 2 COMMUNITY ASSOCIATION, INC.**

THE UNDERSIGNED, being duly elected and acting President of **PALM ISLAND PHASE 2 COMMUNITY ASSOCIATION, INC.**, a Florida not-for-profit corporation, certifies that the attached Resolution was adopted by the Board of Directors at a duly-notice meeting of the Board on March 26, 2024.

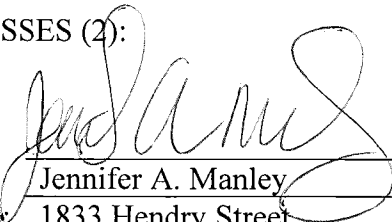
The original Declaration of Covenants, Conditions and Restrictions for Palm Island, Phase 2, is recorded in Official Records Book 3750, at Page 3673, as amended, of the Official Records of Lee County, Florida.

The property encompassed by the Declaration of Covenants, Conditions and Restrictions is described at Plat Book 72, Pages 37 through 41, for Palm Island Phase 2A; and at Plat Book 75, Pages 89 and 90, for Palm Island Phase 2B, each of the Official Records of Lee County, Florida.

A true and correct copy of the Resolution Authorizing Electronic Voting and Electronic Notice for Association Meetings and Elections is attached hereto as **Exhibit "1"**.

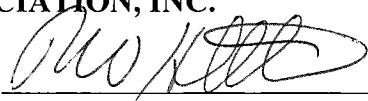
Dated this 12 day of April, 2024.

WITNESSES (2):

Sign: 
Print: Jennifer A. Manley
Address: 1833 Hendry Street
Fort Myers, FL 33901

Sign: 
Print: Lisa K. Meo
Address: 1833 Hendry Street
Fort Myers, FL 33901

**PALM ISLAND PHASE 2 COMMUNITY
ASSOCIATION, INC.**

Sign: 
Print: Robert Hiltbrand
Title: President

STATE OF FLORIDA
COUNTY OF LEE

THE FOREGOING INSTRUMENT was acknowledged before me, by means of (*check one*) ☒ physical presence OR ☐ online notarization, this 12 day of April, 2024, by **Robert Hiltbrand, President of Palm Island Phase 2 Community Association, Inc.**, who: _____ is personally known to me OR produced VALID FLORIDA DRIVER'S LICENSE as identification.

(Notary Seal/Stamp)



Notary Public

Sign:

Lisa K. Meo

Print:

Lisa K. Meo

EXHIBIT "1"

PALM ISLAND PHASE 2 COMMUNITY ASSOCIATION, INC.

**RESOLUTION AUTHORIZING ELECTRONIC VOTING AND ELECTRONIC
NOTICE FOR ASSOCIATION MEETINGS AND ELECTIONS**

WHEREAS, Section 720.317, Florida Statutes, provides that an association may conduct elections and other membership votes through an Internet-based online voting system if a member 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 resolved as follows:

1. The Association may permit members who desire to do so the ability to utilize electronic voting conforming to 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 of Directors 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 members of the opportunity to vote through an online voting system shall be provided as required by law.
4. The Association hereby adopts the procedures and deadlines set forth in this resolution. Additionally, the following forms 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 members may sign and file with the Association, or which may be affirmed by the member, in order for a member 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 members may sign and file with the Association, or which may be affirmed by the member, 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 member 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 member when consent is given or revoked by e-mail.

The deadline for a member to consent to electronic voting is 14 days prior to the meeting or election in which the member wishes to vote. The deadline for a member to opt out of electronic voting is 14 days prior to the meeting or election in which the member wishes to revoke consent to vote by electronic means.

If determined to be necessary or appropriate by the Association's Board of Directors and with prior notice to unit owners, the polls may be closed for electronic voting up to one business day before the meeting or election at which the votes will be tallied.

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 members 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 Members to participate in electronic voting.
7. Members 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.
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 member recognizes that the Association cannot control the practices of third parties regarding internet communications and use of the member's e-mail address. As such, and as a condition of the Association's agreement to permit electronic voting, each member 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 member 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 member inspection unless required by law.
9. By signing or affirming the consent form attached as Exhibit "A" hereto, each member 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 member operator error, provider system or server failures, "spam" blockers, power outages, and other electrical or technological issues. As such, and as a condition of the Association's agreement to permit electronic voting, each member who consents to electronic voting releases and waives any claim or challenge to such voting, including but not limited to situations where a member vote

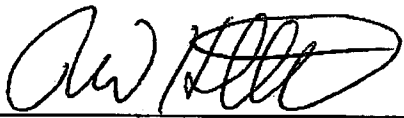
was not received or counted by the Association due to no fault of the Board of Directors or management.

This resolution was adopted by the Board of Directors on March 26, 2024 and is effective upon adoption. The meeting at which this resolution was adopted was preceded by notice provided to each member at least fourteen (14) days in advance of said meeting either by U.S. mail, hand-delivery, or electronic mail (in cases where members have consented to receive official Association notices by electronic mail) and by posting said notice conspicuously on the Common Property at least 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.

**PALM ISLAND PHASE 2
COMMUNITY ASSOCIATION, INC.**

By:


Robert Hiltbrand, as President

Date:

3-26-2024

PALM ISLAND PHASE 2 COMMUNITY ASSOCIATION, INC.

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

The undersigned, being all the members, or an eligible voter, for Lot No./Address _____, in **Palm Island Phase 2 Community Association, Inc.**, pursuant to Florida Statutes, the members or eligible voter 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 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 be on file with the Association no later than **14 days** prior to the meeting or election in which the member wishes to vote by electronic means, and that **electronic voting may be closed up to one business day in advance of said meeting**, at which time the ability to vote electronically shall be unavailable 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 **14 days** prior to the meeting or election in which the member 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 NOTICE.** 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 **Palm Island Phase 2 Community Association, Inc.** I/We designate the following email address for electronic notice purposes: *(you may write "same as above" or provide a different email address for electronic notice purposes)*

PRINT NEATLY _____. The undersigned understands that mailed/paper notice may not be provided to the members unless the members 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:

By: _____

Print Name: _____

Date: _____

By: _____

Print Name: _____

Date: _____

Exhibit "A" to Resolution

PALM ISLAND PHASE 2 COMMUNITY ASSOCIATION, INC.

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

The undersigned, being all the Owners (collectively "Owner"), or an eligible voter for address

_____, at **Palm Island Phase 2 Community Association, Inc.**, a homeowners association ("Association"), who had previously consented to electronic voting at meetings and elections and/or to receive electronic notice of meetings/elections for the Association, 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 be on file with the Association no later than **fourteen (14)** days prior to the meeting or election in which the 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 fourteen (14) 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 be 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 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,
Date and Sign Below:**

By: _____

Print Name: _____

Date: _____

By: _____

Print Name: _____

Date: _____

Exhibit "B" to Resolution