

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1211 (2015)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Fitzenhagen offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Paragraph (d) of subsection (2) of section
7 718.112, Florida Statutes, is amended to read:

8 718.112 Bylaws.—

9 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the
10 following and, if they do not do so, shall be deemed to include
11 the following:

12 (d) Unit owner meetings.—

13 1. An annual meeting of the unit owners shall be held at
14 the location provided in the association bylaws and, if the
15 bylaws are silent as to the location, the meeting shall be held
16 within 45 miles of the condominium property. However, such

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17 distance requirement does not apply to an association governing
18 a timeshare condominium.

19 2. Unless the bylaws provide otherwise, a vacancy on the
20 board caused by the expiration of a director's term shall be
21 filled by electing a new board member, and the election must be
22 by secret ballot. An election is not required if the number of
23 vacancies equals or exceeds the number of candidates. For
24 purposes of this paragraph, the term "candidate" means an
25 eligible person who has timely submitted the written notice, as
26 described in sub-subparagraph 4.a., of his or her intention to
27 become a candidate. Except in a timeshare or nonresidential
28 condominium, or if the staggered term of a board member does not
29 expire until a later annual meeting, or if all members' terms
30 would otherwise expire but there are no candidates, the terms of
31 all board members expire at the annual meeting, and such members
32 may stand for reelection unless prohibited by the bylaws. If the
33 bylaws or articles of incorporation permit terms of no more than
34 2 years, the association board members may serve 2-year terms.
35 If the number of board members whose terms expire at the annual
36 meeting equals or exceeds the number of candidates, the
37 candidates become members of the board effective upon the
38 adjournment of the annual meeting. Unless the bylaws provide
39 otherwise, any remaining vacancies shall be filled by the
40 affirmative vote of the majority of the directors making up the
41 newly constituted board even if the directors constitute less
42 than a quorum or there is only one director. In a residential

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43 condominium association of more than 10 units or in a
44 residential condominium association that does not include
45 timeshare units or timeshare interests, coowners of a unit may
46 not serve as members of the board of directors at the same time
47 unless they own more than one unit or unless there are not
48 enough eligible candidates to fill the vacancies on the board at
49 the time of the vacancy. A unit owner in a residential
50 condominium desiring to be a candidate for board membership must
51 comply with sub-subparagraph 4.a. and must be eligible to be a
52 candidate to serve on the board of directors at the time of the
53 deadline for submitting a notice of intent to run in order to
54 have his or her name listed as a proper candidate on the ballot
55 or to serve on the board. A person who has been suspended or
56 removed by the division under this chapter, or who is delinquent
57 in the payment of any monetary obligation due to the
58 association, is not eligible to be a candidate for board
59 membership and may not be listed on the ballot. A person who has
60 been convicted of any felony in this state or in a United States
61 District or Territorial Court, or who has been convicted of any
62 offense in another jurisdiction which would be considered a
63 felony if committed in this state, is not eligible for board
64 membership unless such felon's civil rights have been restored
65 for at least 5 years as of the date such person seeks election
66 to the board. The validity of an action by the board is not
67 affected if it is later determined that a board member is
68 ineligible for board membership due to having been convicted of

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69 a felony. This subparagraph does not limit the term of a member
70 of the board of a nonresidential condominium.

71 3. The bylaws must provide the method of calling meetings
72 of unit owners, including annual meetings. Written notice must
73 include an agenda, must be mailed, hand delivered, or
74 electronically transmitted to each unit owner at least 14 days
75 before the annual meeting, and must be posted in a conspicuous
76 place on the condominium property at least 14 continuous days
77 before the annual meeting. Upon notice to the unit owners, the
78 board shall, by duly adopted rule, designate a specific location
79 on the condominium property or association property where all
80 notices of unit owner meetings shall be posted. This requirement
81 does not apply if there is no condominium property or
82 association property for posting notices. In lieu of, or in
83 addition to, the physical posting of meeting notices, the
84 association may, by reasonable rule, adopt a procedure for
85 conspicuously posting and repeatedly broadcasting the notice and
86 the agenda on a closed-circuit cable television system serving
87 the condominium association. However, if broadcast notice is
88 used in lieu of a notice posted physically on the condominium
89 property, the notice and agenda must be broadcast at least four
90 times every broadcast hour of each day that a posted notice is
91 otherwise required under this section. If broadcast notice is
92 provided, the notice and agenda must be broadcast in a manner
93 and for a sufficient continuous length of time so as to allow an
94 average reader to observe the notice and read and comprehend the

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95 entire content of the notice and the agenda. Unless a unit owner
96 waives in writing the right to receive notice of the annual
97 meeting, such notice must be hand delivered, mailed, or
98 electronically transmitted to each unit owner. Notice for
99 meetings and notice for all other purposes must be mailed to
100 each unit owner at the address last furnished to the association
101 by the unit owner, or hand delivered to each unit owner.
102 However, if a unit is owned by more than one person, the
103 association must provide notice to the address that the
104 developer identifies for that purpose and thereafter as one or
105 more of the owners of the unit advise the association in
106 writing, or if no address is given or the owners of the unit do
107 not agree, to the address provided on the deed of record. An
108 officer of the association, or the manager or other person
109 providing notice of the association meeting, must provide an
110 affidavit or United States Postal Service certificate of
111 mailing, to be included in the official records of the
112 association affirming that the notice was mailed or hand
113 delivered in accordance with this provision.

114 4. The members of the board of a residential condominium
115 shall be elected by written ballot or voting machine. Proxies
116 may not be used in electing the board in general elections or
117 elections to fill vacancies caused by recall, resignation, or
118 otherwise, unless otherwise provided in this chapter. This
119 subparagraph does not apply to an association governing a
120 timeshare condominium.

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121 a. At least 60 days before a scheduled election, the
122 association shall mail, deliver, or electronically transmit, by
123 separate association mailing or included in another association
124 mailing, delivery, or transmission, including regularly
125 published newsletters, to each unit owner entitled to a vote, a
126 first notice of the date of the election. A unit owner or other
127 eligible person desiring to be a candidate for the board must
128 give written notice of his or her intent to be a candidate to
129 the association at least 40 days before a scheduled election.
130 Together with the written notice and agenda as set forth in
131 subparagraph 3., the association shall mail, deliver, or
132 electronically transmit a second notice of the election to all
133 unit owners entitled to vote, together with a ballot that lists
134 all candidates. Upon request of a candidate, an information
135 sheet, no larger than 8 1/2 inches by 11 inches, which must be
136 furnished by the candidate at least 35 days before the election,
137 must be included with the mailing, delivery, or transmission of
138 the ballot, with the costs of mailing, delivery, or electronic
139 transmission and copying to be borne by the association. The
140 association is not liable for the contents of the information
141 sheets prepared by the candidates. In order to reduce costs, the
142 association may print or duplicate the information sheets on
143 both sides of the paper. The division shall by rule establish
144 voting procedures consistent with this sub-subparagraph,
145 including rules establishing procedures for giving notice by
146 electronic transmission and rules providing for the secrecy of

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147 ballots. Elections shall be decided by a plurality of ballots
148 cast. There is no quorum requirement; however, at least 20
149 percent of the eligible voters must cast a ballot in order to
150 have a valid election. A unit owner may not permit any other
151 person to vote his or her ballot, and any ballots improperly
152 cast are invalid. A unit owner who violates this provision may
153 be fined by the association in accordance with s. 718.303. A
154 unit owner who needs assistance in casting the ballot for the
155 reasons stated in s. 101.051 may obtain such assistance. The
156 regular election must occur on the date of the annual meeting.
157 Notwithstanding this sub-subparagraph, an election is not
158 required unless more candidates file notices of intent to run or
159 are nominated than board vacancies exist.

160 b. Within 90 days after being elected or appointed to the
161 board of an association of a residential condominium, each newly
162 elected or appointed director shall certify in writing to the
163 secretary of the association that he or she has read the
164 association's declaration of condominium, articles of
165 incorporation, bylaws, and current written policies; that he or
166 she will work to uphold such documents and policies to the best
167 of his or her ability; and that he or she will faithfully
168 discharge his or her fiduciary responsibility to the
169 association's members. In lieu of this written certification,
170 within 90 days after being elected or appointed to the board,
171 the newly elected or appointed director may submit a certificate
172 of having satisfactorily completed the educational curriculum

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173 administered by a division-approved condominium education
174 provider within 1 year before or 90 days after the date of
175 election or appointment. The written certification or
176 educational certificate is valid and does not have to be
177 resubmitted as long as the director serves on the board without
178 interruption. A director of an association of a residential
179 condominium who fails to timely file the written certification
180 or educational certificate is suspended from service on the
181 board until he or she complies with this sub-subparagraph. The
182 board may temporarily fill the vacancy during the period of
183 suspension. The secretary shall cause the association to retain
184 a director's written certification or educational certificate
185 for inspection by the members for 5 years after a director's
186 election or the duration of the director's uninterrupted tenure,
187 whichever is longer. Failure to have such written certification
188 or educational certificate on file does not affect the validity
189 of any board action.

190 c. Any challenge to the election process must be commenced
191 within 60 days after the election results are announced.

192 5. Any approval by unit owners called for by this chapter
193 or the applicable declaration or bylaws, including, but not
194 limited to, the approval requirement in s. 718.111(8), must be
195 made at a duly noticed meeting of unit owners and is subject to
196 all requirements of this chapter or the applicable condominium
197 documents relating to unit owner decisionmaking, except that
198 unit owners may take action by written agreement, without

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199 meetings, on matters for which action by written agreement
200 without meetings is expressly allowed by the applicable bylaws
201 or declaration or any law that provides for such action.

202 6. Unit owners may waive notice of specific meetings if
203 allowed by the applicable bylaws or declaration or any law. ~~If~~
204 ~~authorized by the bylaws,~~ Notice of meetings of the board of
205 administration, unit owner meetings, except unit owner meetings
206 called to recall board members under paragraph (j), and
207 committee meetings may be given by electronic transmission to
208 unit owners who consent to receive notice by electronic
209 transmission.

210 7. Unit owners have the right to participate in meetings
211 of unit owners with reference to all designated agenda items.
212 However, the association may adopt reasonable rules governing
213 the frequency, duration, and manner of unit owner participation.

214 8. A unit owner may tape record or videotape a meeting of
215 the unit owners subject to reasonable rules adopted by the
216 division.

217 9. Unless otherwise provided in the bylaws, any vacancy
218 occurring on the board before the expiration of a term may be
219 filled by the affirmative vote of the majority of the remaining
220 directors, even if the remaining directors constitute less than
221 a quorum, or by the sole remaining director. In the alternative,
222 a board may hold an election to fill the vacancy, in which case
223 the election procedures must conform to sub-subparagraph 4.a.
224 unless the association governs 10 units or fewer and has opted

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225 out of the statutory election process, in which case the bylaws
226 of the association control. Unless otherwise provided in the
227 bylaws, a board member appointed or elected under this section
228 shall fill the vacancy for the unexpired term of the seat being
229 filled. Filling vacancies created by recall is governed by
230 paragraph (j) and rules adopted by the division.

231 10. This chapter does not limit the use of general or
232 limited proxies, require the use of general or limited proxies,
233 or require the use of a written ballot or voting machine for any
234 agenda item or election at any meeting of a timeshare
235 condominium association or nonresidential condominium
236 association.

237
238 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
239 association of 10 or fewer units may, by affirmative vote of a
240 majority of the total voting interests, provide for different
241 voting and election procedures in its bylaws, which may be by a
242 proxy specifically delineating the different voting and election
243 procedures. The different voting and election procedures may
244 provide for elections to be conducted by limited or general
245 proxy.

246 Section 2. Section 718.128, Florida Statutes, is created
247 to read:

248 718.128 Electronic voting.—The association may conduct
249 elections and other unit owner votes through an internet-based

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250 online voting system if a unit owner consents, in writing, to
251 online voting and if the following requirements are met:

252 (1) The association provides each unit owner with:

253 (a) A method to authenticate the unit owner's identity to
254 the online voting system.

255 (b) For elections of the board, a method to transmit an
256 electronic ballot to the online voting system that ensures the
257 secrecy and integrity of each ballot.

258 (c) A method to confirm, at least 14 days before the
259 voting deadline, that the unit owner's electronic device can
260 successfully communicate with the online voting system.

261 (2) The association uses an online voting system that is:

262 (a) Able to authenticate the unit owner's identity.

263 (b) Able to authenticate the validity of each electronic
264 vote to ensure that the vote is not altered in transit.

265 (c) Able to transmit a receipt from the online voting
266 system to each unit owner who casts an electronic vote.

267 (d) For elections of the board of administration, able to
268 permanently separate any authentication or identifying
269 information from the electronic election ballot, rendering it
270 impossible to tie an election ballot to a specific unit owner.

271 (e) Able to store and keep electronic votes accessible to
272 election officials for recount, inspection, and review purposes.

273 (3) A unit owner voting electronically pursuant to this
274 section shall be counted as being in attendance at the meeting
275 for purposes of determining a quorum. No other substantive vote

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276 of the unit owners may be taken on any issue other than the
277 issues specifically identified in the electronic vote, when a
278 quorum is established based on unit owners voting electronically
279 pursuant to this section.

280 (4) This section applies to an association that provides
281 for and authorizes an online voting system pursuant to this
282 section by a board resolution. A board resolution regarding
283 online voting must provide that unit owners receive notice of
284 the opportunity to vote through an online voting system, must
285 establish reasonable procedures and deadlines for unit owners to
286 consent, in writing, to online voting, and must establish
287 reasonable procedures and deadlines for unit owners to opt-out
288 of online voting after giving consent. Written notice of a
289 meeting at which a board resolution regarding online voting will
290 be considered must be mailed, delivered, or electronically
291 transmitted to the unit owners and posted conspicuously on the
292 condominium property or association property at least 14 days
293 before the meeting. Evidence of compliance with this 14-day
294 notice requirement must be made by an affidavit executed by the
295 person providing the notice and filed with the official records
296 of the association.

297 (5) A unit owner's consent to online voting is valid until
298 the unit owner opts-out of online voting according to the
299 procedures established by the board of administration pursuant
300 to paragraph (4).

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301 (6) This section may apply to any matter that requires a
302 vote of the unit owners.

303 Section 3. Paragraph (d) of subsection (1) of section
304 719.106, Florida Statutes, is amended to read:

305 719.106 Bylaws; cooperative ownership.—

306 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
307 documents shall provide for the following, and if they do not,
308 they shall be deemed to include the following:

309 (d) Shareholder meetings.—There shall be an annual meeting
310 of the shareholders. All members of the board of administration
311 shall be elected at the annual meeting unless the bylaws provide
312 for staggered election terms or for their election at another
313 meeting. Any unit owner desiring to be a candidate for board
314 membership must comply with subparagraph 1. The bylaws must
315 provide the method for calling meetings, including annual
316 meetings. Written notice, which must incorporate an
317 identification of agenda items, shall be given to each unit
318 owner at least 14 days before the annual meeting and posted in a
319 conspicuous place on the cooperative property at least 14
320 continuous days preceding the annual meeting. Upon notice to the
321 unit owners, the board must by duly adopted rule designate a
322 specific location on the cooperative property upon which all
323 notice of unit owner meetings are posted. In lieu of or in
324 addition to the physical posting of the meeting notice, the
325 association may, by reasonable rule, adopt a procedure for
326 conspicuously posting and repeatedly broadcasting the notice and

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327 the agenda on a closed-circuit cable television system serving
328 the cooperative association. However, if broadcast notice is
329 used in lieu of a posted notice, the notice and agenda must be
330 broadcast at least four times every broadcast hour of each day
331 that a posted notice is otherwise required under this section.
332 If broadcast notice is provided, the notice and agenda must be
333 broadcast in a manner and for a sufficient continuous length of
334 time to allow an average reader to observe the notice and read
335 and comprehend the entire content of the notice and the agenda.
336 Unless a unit owner waives in writing the right to receive
337 notice of the annual meeting, the notice of the annual meeting
338 must be sent by mail, hand delivered, or electronically
339 transmitted to each unit owner. An officer of the association
340 must provide an affidavit or United States Postal Service
341 certificate of mailing, to be included in the official records
342 of the association, affirming that notices of the association
343 meeting were mailed, hand delivered, or electronically
344 transmitted, in accordance with this provision, to each unit
345 owner at the address last furnished to the association.

346 1. The board of administration shall be elected by written
347 ballot or voting machine. A proxy may not be used in electing
348 the board of administration in general elections or elections to
349 fill vacancies caused by recall, resignation, or otherwise
350 unless otherwise provided in this chapter.

351 a. At least 60 days before a scheduled election, the
352 association shall mail, deliver, or transmit, whether by

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353 separate association mailing, delivery, or electronic
354 transmission or included in another association mailing,
355 delivery, or electronic transmission, including regularly
356 published newsletters, to each unit owner entitled to vote, a
357 first notice of the date of the election. Any unit owner or
358 other eligible person desiring to be a candidate for the board
359 of administration must give written notice to the association at
360 least 40 days before a scheduled election. Together with the
361 written notice and agenda as set forth in this section, the
362 association shall mail, deliver, or electronically transmit a
363 second notice of election to all unit owners entitled to vote,
364 together with a ballot that lists all candidates. Upon request
365 of a candidate, the association shall include an information
366 sheet, no larger than 8 1/2 inches by 11 inches, which must be
367 furnished by the candidate at least 35 days before the election,
368 to be included with the mailing, delivery, or electronic
369 transmission of the ballot, with the costs of mailing, delivery,
370 or transmission and copying to be borne by the association. The
371 association is not liable for the contents of the information
372 sheets provided by the candidates. In order to reduce costs, the
373 association may print or duplicate the information sheets on
374 both sides of the paper. The division shall by rule establish
375 voting procedures consistent with this subparagraph, including
376 rules establishing procedures for giving notice by electronic
377 transmission and rules providing for the secrecy of ballots.
378 Elections shall be decided by a plurality of those ballots cast.

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379 There is no quorum requirement. However, at least 20 percent of
380 the eligible voters must cast a ballot in order to have a valid
381 election. A unit owner may not permit any other person to vote
382 his or her ballot, and any such ballots improperly cast are
383 invalid. A unit owner who needs assistance in casting the ballot
384 for the reasons stated in s. 101.051 may obtain assistance in
385 casting the ballot. Any unit owner violating this provision may
386 be fined by the association in accordance with s. 719.303. The
387 regular election must occur on the date of the annual meeting.
388 This subparagraph does not apply to timeshare cooperatives.
389 Notwithstanding this subparagraph, an election and balloting are
390 not required unless more candidates file a notice of intent to
391 run or are nominated than vacancies exist on the board. Any
392 challenge to the election process must be commenced within 60
393 days after the election results are announced.

394 b. Within 90 days after being elected or appointed to the
395 board, each new director shall certify in writing to the
396 secretary of the association that he or she has read the
397 association's bylaws, articles of incorporation, proprietary
398 lease, and current written policies; that he or she will work to
399 uphold such documents and policies to the best of his or her
400 ability; and that he or she will faithfully discharge his or her
401 fiduciary responsibility to the association's members. Within 90
402 days after being elected or appointed to the board, in lieu of
403 this written certification, the newly elected or appointed
404 director may submit a certificate of having satisfactorily

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405 completed the educational curriculum administered by an
406 education provider as approved by the division pursuant to the
407 requirements established in chapter 718 within 1 year before or
408 90 days after the date of election or appointment. The
409 educational certificate is valid and does not have to be
410 resubmitted as long as the director serves on the board without
411 interruption. A director who fails to timely file the written
412 certification or educational certificate is suspended from
413 service on the board until he or she complies with this sub-
414 subparagraph. The board may temporarily fill the vacancy during
415 the period of suspension. The secretary of the association shall
416 cause the association to retain a director's written
417 certification or educational certificate for inspection by the
418 members for 5 years after a director's election or the duration
419 of the director's uninterrupted tenure, whichever is longer.
420 Failure to have such written certification or educational
421 certificate on file does not affect the validity of any board
422 action.

423 2. Any approval by unit owners called for by this chapter,
424 or the applicable cooperative documents, must be made at a duly
425 noticed meeting of unit owners and is subject to this chapter or
426 the applicable cooperative documents relating to unit owner
427 decisionmaking, except that unit owners may take action by
428 written agreement, without meetings, on matters for which action
429 by written agreement without meetings is expressly allowed by

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430 the applicable cooperative documents or law which provides for
431 the unit owner action.

432 3. Unit owners may waive notice of specific meetings if
433 allowed by the applicable cooperative documents or law. ~~If~~
434 ~~authorized by the bylaws,~~ Notice of meetings of the board of
435 administration, shareholder meetings, except shareholder
436 meetings called to recall board members under paragraph (f), and
437 committee meetings may be given by electronic transmission to
438 unit owners who consent to receive notice by electronic
439 transmission.

440 4. Unit owners have the right to participate in meetings
441 of unit owners with reference to all designated agenda items.
442 However, the association may adopt reasonable rules governing
443 the frequency, duration, and manner of unit owner participation.

444 5. Any unit owner may tape record or videotape meetings of
445 the unit owners subject to reasonable rules adopted by the
446 division.

447 6. Unless otherwise provided in the bylaws, a vacancy
448 occurring on the board before the expiration of a term may be
449 filled by the affirmative vote of the majority of the remaining
450 directors, even if the remaining directors constitute less than
451 a quorum, or by the sole remaining director. In the alternative,
452 a board may hold an election to fill the vacancy, in which case
453 the election procedures must conform to the requirements of
454 subparagraph 1. unless the association has opted out of the
455 statutory election process, in which case the bylaws of the

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456 association control. Unless otherwise provided in the bylaws, a
457 board member appointed or elected under this subparagraph shall
458 fill the vacancy for the unexpired term of the seat being
459 filled. Filling vacancies created by recall is governed by
460 paragraph (f) and rules adopted by the division.

461
462 Notwithstanding subparagraphs (b)2. and (d)1., an association
463 may, by the affirmative vote of a majority of the total voting
464 interests, provide for a different voting and election procedure
465 in its bylaws, which vote may be by a proxy specifically
466 delineating the different voting and election procedures. The
467 different voting and election procedures may provide for
468 elections to be conducted by limited or general proxy.

469 Section 4. Section 719.129, Florida Statutes, is created
470 to read:

471 719.129 Electronic voting.—The association may conduct
472 elections and other unit owner votes through an internet-based
473 online voting system if a unit owner consents, in writing, to
474 online voting and if the following requirements are met:

475 (1) The association provides each unit owner with:

476 (a) A method to authenticate the unit owner's identity to
477 the online voting system.

478 (b) For elections of the board, a method to transmit an
479 electronic ballot to the online voting system that ensures the
480 secrecy and integrity of each ballot.

481 (c) A method to confirm, at least 14 days before the

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482 voting deadline, that the unit owner's electronic device can
483 successfully communicate with the online voting system.

484 (2) The association uses an online voting system that is:

485 (a) Able to authenticate the unit owner's identity.

486 (b) Able to authenticate the validity of each electronic
487 vote to ensure that the vote is not altered in transit.

488 (c) Able to transmit a receipt from the online voting
489 system to each unit owner who casts an electronic vote.

490 (d) For elections of the board of administration, able to
491 permanently separate any authentication or identifying
492 information from the electronic election ballot, rendering it
493 impossible to tie an election ballot to a specific unit owner.

494 (e) Able to store and keep electronic votes accessible to
495 election officials for recount, inspection, and review purposes.

496 (3) A unit owner voting electronically pursuant to this
497 section shall be counted as being in attendance at the meeting
498 for purposes of determining a quorum. No other substantive vote
499 of the unit owners may be taken on any issue other than the
500 issues specifically identified in the electronic vote, when a
501 quorum is established based on unit owners voting electronically
502 pursuant to this section.

503 (4) This section applies to an association that provides
504 for and authorizes an online voting system pursuant to this
505 section by a board resolution. A board resolution regarding
506 online voting must provide that unit owners receive notice of
507 the opportunity to vote through an online voting system, must

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508 establish reasonable procedures and deadlines for unit owners to
509 consent, in writing, to online voting, and must establish
510 reasonable procedures and deadlines for unit owners to opt-out
511 of online voting after giving consent. Written notice of a
512 meeting at which a board resolution regarding online voting will
513 be considered must be mailed, delivered, or electronically
514 transmitted to the unit owners and posted conspicuously on the
515 condominium property or association property at least 14 days
516 before the meeting. Evidence of compliance with this 14-day
517 notice requirement must be made by an affidavit executed by the
518 person providing the notice and filed with the official records
519 of the association.

520 (5) A unit owner's consent to online voting is valid until
521 the unit owner opts-out of online voting pursuant to the
522 procedures established by the board of administration pursuant
523 to paragraph (4).

524 (6) This section may apply to any matter that requires a
525 vote of the unit owners.

526 Section 5. Paragraph (c) of subsection (2) of section
527 720.303, Florida Statutes, is amended to read:

528 720.303 Association powers and duties; meetings of board;
529 official records; budgets; financial reporting; association
530 funds; recalls.—

531 (2) BOARD MEETINGS.—

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532 (c) The bylaws shall provide for giving notice to parcel
533 owners and members of all board meetings and, if they do not do
534 so, shall be deemed to provide the following:

535 1. Notices of all board meetings must be posted in a
536 conspicuous place in the community at least 48 hours in advance
537 of a meeting, except in an emergency. In the alternative, if
538 notice is not posted in a conspicuous place in the community,
539 notice of each board meeting must be mailed or delivered to each
540 member at least 7 days before the meeting, except in an
541 emergency. Notwithstanding this general notice requirement, for
542 communities with more than 100 members, the bylaws may provide
543 for a reasonable alternative to posting or mailing of notice for
544 each board meeting, including publication of notice, provision
545 of a schedule of board meetings, or the conspicuous posting and
546 repeated broadcasting of the notice on a closed-circuit cable
547 television system serving the homeowners' association. However,
548 if broadcast notice is used in lieu of a notice posted
549 physically in the community, the notice must be broadcast at
550 least four times every broadcast hour of each day that a posted
551 notice is otherwise required. When broadcast notice is provided,
552 the notice and agenda must be broadcast in a manner and for a
553 sufficient continuous length of time so as to allow an average
554 reader to observe the notice and read and comprehend the entire
555 content of the notice and the agenda. The association bylaws ~~or~~
556 ~~amended bylaws~~ may provide for giving notice by electronic
557 transmission in a manner authorized by law for meetings of the

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558 board of directors, committee meetings requiring notice under
559 this section, and annual and special meetings of the members;
560 however, a member must consent in writing to receiving notice by
561 electronic transmission.

562 2. An assessment may not be levied at a board meeting
563 unless the notice of the meeting includes a statement that
564 assessments will be considered and the nature of the
565 assessments. Written notice of any meeting at which special
566 assessments will be considered or at which amendments to rules
567 regarding parcel use will be considered must be mailed,
568 delivered, or electronically transmitted to the members and
569 parcel owners and posted conspicuously on the property or
570 broadcast on closed-circuit cable television not less than 14
571 days before the meeting.

572 3. Directors may not vote by proxy or by secret ballot at
573 board meetings, except that secret ballots may be used in the
574 election of officers. This subsection also applies to the
575 meetings of any committee or other similar body, when a final
576 decision will be made regarding the expenditure of association
577 funds, and to any body vested with the power to approve or
578 disapprove architectural decisions with respect to a specific
579 parcel of residential property owned by a member of the
580 community.

581 Section 6. Section 720.317, Florida Statutes, is created
582 to read:

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583 720.317 Electronic voting.—The association may conduct
584 elections and other membership votes through an internet-based
585 online voting system if a member consents, in writing, to online
586 voting and if the following requirements are met:

587 (1) The association provides each member with:

588 (a) A method to authenticate the member's identity to the
589 online voting system.

590 (b) A method to confirm, at least 14 days before the
591 voting deadline, that the member's electronic device can
592 successfully communicate with the online voting system.

593 (c) A method that is consistent with the election and
594 voting procedures in the association's bylaws.

595 (2) The association uses an online voting system that is:

596 (a) Able to authenticate the member's identity.

597 (b) Able to authenticate the validity of each electronic
598 vote to ensure that the vote is not altered in transit.

599 (c) Able to transmit a receipt from the online voting
600 system to each member who casts an electronic vote.

601 (d) Able to permanently separate any authentication or
602 identifying information from the electronic election ballot,
603 rendering it impossible to tie an election ballot to a specific
604 member. This paragraph only applies if the association's bylaws
605 provide for secret ballots for the election of directors.

606 (e) Able to store and keep electronic ballots accessible
607 to election officials for recount, inspection, and review
608 purposes.

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609 (3) A member voting electronically pursuant to this
610 section shall be counted as being in attendance at the meeting
611 for purposes of determining a quorum. No other substantive vote
612 of the membership may be taken on any issue other than the
613 issues specifically identified in the electronic vote, when a
614 quorum is established based on members voting electronically
615 pursuant to this section.

616 (4) This section applies to an association that provides
617 for and authorizes an online voting system pursuant to this
618 section by a board resolution. A board resolution regarding
619 online voting must provide that members receive notice of the
620 opportunity to vote through an online voting system, must
621 establish reasonable procedures and deadlines for members to
622 consent, in writing, to online voting, and must establish
623 reasonable procedures and deadlines for members to opt-out of
624 online voting after giving consent. Written notice of a meeting
625 at which a board resolution regarding online voting will be
626 considered must be mailed, delivered, or electronically
627 transmitted to the unit owners and posted conspicuously on the
628 condominium property or association property at least 14 days
629 before the meeting. Evidence of compliance with this 14-day
630 notice requirement must be made by an affidavit executed by the
631 person providing the notice and filed with the official records
632 of the association.

633 (5) A member's consent to online voting is valid until the
634 member opts-out of online voting pursuant to the procedures

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635 established by the board of administration pursuant to paragraph
636 (4).

637 (6) This section may apply to any matter that requires a
638 vote of the members.

639 Section 7. This act shall take effect July 1, 2015.

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642 **T I T L E A M E N D M E N T**

643 Remove everything before the enacting clause and insert:

644 An act relating to community associations; amending ss. 718.112,
645 719.106, and 720.303, F.S.; deleting the limitation on
646 condominium, cooperative, and homeowners' associations providing
647 electronic notice of certain meetings only when authorized by
648 the association's bylaws; creating ss. 718.128, 719.129, and
649 720.317, F.S.; authorizing condominium, cooperative, and
650 homeowners' associations to conduct votes of the membership by
651 online voting under certain conditions; providing that a member
652 voting electronically is counted toward the determination of a
653 quorum; providing applicability; providing an effective date.