

By Senator Osgood

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1                   A bill to be entitled  
2       An act relating to electronic voting in community  
3       associations; amending ss. 718.128 and 720.317, F.S.;  
4       specifying that unit owners in condominium  
5       associations and members of homeowners' associations,  
6       respectively, may consent electronically to online  
7       voting; providing an effective date.  
8

9   Be It Enacted by the Legislature of the State of Florida:  
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11       Section 1. Section 718.128, Florida Statutes, is amended to  
12       read:

13       718.128 Electronic voting.—

14       (1) The association may conduct elections and other unit  
15       owner votes through an Internet-based online voting system if a  
16       unit owner consents, electronically or in writing, to online  
17       voting and if the following requirements are met:

18       (a)~~(1)~~ The association provides each unit owner with:

19       1.~~(a)~~ A method to authenticate the unit owner's identity to  
20       the online voting system.

21       2.~~(b)~~ For elections of the board, a method to transmit an  
22       electronic ballot to the online voting system that ensures the  
23       secrecy and integrity of each ballot.

24       3.~~(e)~~ A method to confirm, at least 14 days before the  
25       voting deadline, that the unit owner's electronic device can  
26       successfully communicate with the online voting system.

27       (b)~~(2)~~ The association uses an online voting system that  
28       is:

29       1.~~(a)~~ Able to authenticate the unit owner's identity.

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30        2.~~(b)~~ Able to authenticate the validity of each electronic  
31 vote to ensure that the vote is not altered in transit.

32        3.~~(e)~~ Able to transmit a receipt from the online voting  
33 system to each unit owner who casts an electronic vote.

34        4.~~(d)~~ For elections of the board of administration, able to  
35 permanently separate any authentication or identifying  
36 information from the electronic election ballot, rendering it  
37 impossible to tie an election ballot to a specific unit owner.

38        5.~~(e)~~ Able to store and keep electronic votes accessible to  
39 election officials for recount, inspection, and review purposes.

40        (2)~~(3)~~ A unit owner voting electronically pursuant to this  
41 section shall be counted as being in attendance at the meeting  
42 for purposes of determining a quorum. A substantive vote of the  
43 unit owners may not be taken on any issue other than the issues  
44 specifically identified in the electronic vote, when a quorum is  
45 established based on unit owners voting electronically pursuant  
46 to this section.

47        (4) This section applies to an association that provides  
48 for and authorizes an online voting system pursuant to this  
49 section by a board resolution. The board resolution must provide  
50 that unit owners receive notice of the opportunity to vote  
51 through an online voting system, must establish reasonable  
52 procedures and deadlines for unit owners to consent,  
53 electronically or in writing, to online voting, and must  
54 establish reasonable procedures and deadlines for unit owners to  
55 opt out of online voting after giving consent. Written notice of  
56 a meeting at which the resolution will be considered must be  
57 mailed, delivered, or electronically transmitted to the unit  
58 owners and posted conspicuously on the condominium property or

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59 association property at least 14 days before the meeting.  
60 Evidence of compliance with the 14-day notice requirement must  
61 be made by an affidavit executed by the person providing the  
62 notice and filed with the official records of the association.

63 (3)~~(5)~~ A unit owner's consent to online voting is valid  
64 until the unit owner opts out of online voting according to the  
65 procedures established by the board of administration pursuant  
66 to subsection (4).

67 (5)~~(6)~~ This section may apply to any matter that requires a  
68 vote of the unit owners who are not members of a timeshare  
69 condominium association.

70 Section 2. Section 720.317, Florida Statutes, is amended to  
71 read:

72 720.317 Electronic voting.—

73 (1) The association may conduct elections and other  
74 membership votes through an Internet-based online voting system  
75 if a member consents, electronically or in writing, to online  
76 voting and if the following requirements are met:

77 (a)~~(1)~~ The association provides each member with:

78 1.~~(a)~~ A method to authenticate the member's identity to the  
79 online voting system.

80 2.~~(b)~~ A method to confirm, at least 14 days before the  
81 voting deadline, that the member's electronic device can  
82 successfully communicate with the online voting system.

83 3.~~(c)~~ A method that is consistent with the election and  
84 voting procedures in the association's bylaws.

85 (b)~~(2)~~ The association uses an online voting system that  
86 is:

87 1.~~(a)~~ Able to authenticate the member's identity.

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88        2.~~(b)~~ Able to authenticate the validity of each electronic  
89 vote to ensure that the vote is not altered in transit.

90        3.~~(e)~~ Able to transmit a receipt from the online voting  
91 system to each member who casts an electronic vote.

92        4.~~(d)~~ Able to permanently separate any authentication or  
93 identifying information from the electronic election ballot,  
94 rendering it impossible to tie an election ballot to a specific  
95 member. This subparagraph ~~paragraph~~ only applies if the  
96 association's bylaws provide for secret ballots for the election  
97 of directors.

98        5.~~(e)~~ Able to store and keep electronic ballots accessible  
99 to election officials for recount, inspection, and review  
100 purposes.

101        (2)~~(3)~~ A member voting electronically pursuant to this  
102 section shall be counted as being in attendance at the meeting  
103 for purposes of determining a quorum.

104        (4) This section applies to an association that provides  
105 for and authorizes an online voting system pursuant to this  
106 section by a board resolution. The board resolution must provide  
107 that members receive notice of the opportunity to vote through  
108 an online voting system, must establish reasonable procedures  
109 and deadlines for members to consent, electronically or in  
110 writing, to online voting, and must establish reasonable  
111 procedures and deadlines for members to opt out of online voting  
112 after giving consent. Written notice of a meeting at which the  
113 board resolution regarding online voting will be considered must  
114 be mailed, delivered, or electronically transmitted to the unit  
115 owners and posted conspicuously on the condominium property or  
116 association property at least 14 days before the meeting.

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117 Evidence of compliance with the 14-day notice requirement must  
118 be made by an affidavit executed by the person providing the  
119 notice and filed with the official records of the association.

120 (3)~~(5)~~ A member's consent to online voting is valid until  
121 the member opts out of online voting pursuant to the procedures  
122 established by the board of administration pursuant to  
123 subsection (4).

124 (5)~~(6)~~ This section may apply to any matter that requires a  
125 vote of the members.

126 Section 3. This act shall take effect July 1, 2023.