



517192

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/22/2024	.	
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The Committee on Regulated Industries (Osgood) recommended the following:

Senate Amendment (with title amendment)

Between lines 2210 and 2211

insert:

Section 14. Section 718.128, Florida Statutes, is amended to read:

718.128 Electronic voting.—The association may conduct elections and other unit owner votes through an Internet-based online voting system if a unit owner consents, electronically or in writing, to online voting and if the following requirements



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11 are met:

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

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

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

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

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

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

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

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

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

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

33 (3) A unit owner voting electronically pursuant to this
34 section shall be counted as being in attendance at the meeting
35 for purposes of determining a quorum. A substantive vote of the
36 unit owners may not be taken on any issue other than the issues
37 specifically identified in the electronic vote, when a quorum is
38 established based on unit owners voting electronically pursuant
39 to this section.



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40 (4) This section applies to an association that provides
41 for and authorizes an online voting system pursuant to this
42 section by a board resolution. The board resolution must provide
43 that unit owners receive notice of the opportunity to vote
44 through an online voting system, must establish reasonable
45 procedures and deadlines for unit owners to consent,
46 electronically or in writing, to online voting, and must
47 establish reasonable procedures and deadlines for unit owners to
48 opt out of online voting after giving consent. Written notice of
49 a meeting at which the resolution will be considered must be
50 mailed, delivered, or electronically transmitted to the unit
51 owners and posted conspicuously on the condominium property or
52 association property at least 14 days before the meeting.
53 Evidence of compliance with the 14-day notice requirement must
54 be made by an affidavit executed by the person providing the
55 notice and filed with the official records of the association.

56 (5) A unit owner's consent to online voting is valid until
57 the unit owner opts out of online voting according to the
58 procedures established by the board of administration pursuant
59 to subsection (4).

60 (6) This section may apply to any matter that requires a
61 vote of the unit owners who are not members of a timeshare
62 condominium association.

63 Between lines 2912 and 2913

64 insert:

65 Section 22. Section 719.129, Florida Statutes, is amended
66 to read:

67 719.129 Electronic voting.—The association may conduct
68



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69 elections and other unit owner votes through an Internet-based
70 online voting system if a unit owner consents, electronically or
71 in writing, to online voting and if the following requirements
72 are met:

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

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

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

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

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

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

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

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

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

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

94 (3) A unit owner voting electronically pursuant to this
95 section shall be counted as being in attendance at the meeting
96 for purposes of determining a quorum. A substantive vote of the
97 unit owners may not be taken on any issue other than the issues



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98 specifically identified in the electronic vote, when a quorum is
99 established based on unit owners voting electronically pursuant
100 to this section.

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

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

117 (5) A unit owner's consent to online voting is valid until
118 the unit owner opts out of online voting pursuant to the
119 procedures established by the board of administration pursuant
120 to subsection (4).

121 (6) This section may apply to any matter that requires a
122 vote of the unit owners who are not members of a timeshare
123 cooperative association.

124

125 ===== T I T L E A M E N D M E N T =====

126 And the title is amended as follows:



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127 Delete line 162
128 and insert:
129 changes made by the act; amending s. 718.128, F.S.;
130 authorizing a condominium association to conduct
131 elections and other unit owner votes through an online
132 voting system if a unit owner consents, either
133 electronically or in writing, to online voting;
134 revising applicability; amending s. 718.301, F.S.;
135
136 Between lines 199 and 200
137 insert:
138 amending s. 719.129, F.S.; authorizing cooperative
139 associations to conduct elections and other unit owner
140 votes through an online voting system if a unit owner
141 consents, either electronically or in writing, to
142 online voting; revising applicability;