

Amendment No. 2

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WITHDRAWN	_____	(Y/N)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 Porras offered the following:

Amendment (with title amendment)

Between lines 567 and 568, insert:

Section 7. Section 720.317, Florida Statutes, is amended to read:

720.317 Electronic voting.—

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

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

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

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

19 ~~3.(e)~~ A method that is consistent with the election and
20 voting procedures in the association's bylaws.

21 ~~(b)-(2)~~ The association uses an online voting system that
22 is:

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

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

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

28 ~~4.(d)~~ Able to permanently separate any authentication or
29 identifying information from the electronic election ballot,
30 rendering it impossible to tie an election ballot to a specific
31 member. This paragraph only applies if the association's bylaws
32 provide for secret ballots for the election of directors.

33 ~~5.(e)~~ Able to store and keep electronic ballots accessible
34 to election officials for recount, inspection, and review
35 purposes.

36 ~~(2)-(3)~~ A member voting electronically pursuant to this
37 section shall be counted as being in attendance at the meeting
38 for purposes of determining a quorum.

39 ~~(3)-(4)~~ This section applies to an association that
40 provides for and authorizes an online voting system pursuant to

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

55 ~~(4)-(5)~~ A member's consent to online voting is valid until
56 the member opts out of online voting pursuant to the procedures
57 established by the board of administration pursuant to
58 subsection (3) ~~(4)~~.

59 ~~(5)-(6)~~ This section may apply to any matter that requires
60 a vote of the members.

61
62 -----

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

64 Remove line 48 and insert:

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65 cross-reference; amending s. 720.317, F.S.; providing
66 that a homeowner may consent to online voting
67 electronically, as well as in writing, and that
68 association boards must establish reasonable
69 procedures for giving such consent; providing an
70 effective date.