



295518

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/15/2024	.	
	.	
	.	
	.	

The Committee on Rules (Osgood) recommended the following:

Senate Amendment (with title amendment)

Between lines 721 and 722

insert:

Section 8. Section 720.317, Florida Statutes, is amended to read:

720.317 Electronic voting.—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:



- 12 (1) The association provides each member with:
- 13 (a) A method to authenticate the member's identity to the
14 online voting system.
- 15 (b) A method to confirm, at least 14 days before the voting
16 deadline, that the member's electronic device can successfully
17 communicate with the online voting system.
- 18 (c) A method that is consistent with the election and
19 voting procedures in the association's bylaws.
- 20 (2) The association uses an online voting system that is:
- 21 (a) Able to authenticate the member's identity.
- 22 (b) Able to authenticate the validity of each electronic
23 vote to ensure that the vote is not altered in transit.
- 24 (c) Able to transmit a receipt from the online voting
25 system to each member who casts an electronic vote.
- 26 (d) Able to permanently separate any authentication or
27 identifying information from the electronic election ballot,
28 rendering it impossible to tie an election ballot to a specific
29 member. This paragraph only applies if the association's bylaws
30 provide for secret ballots for the election of directors.
- 31 (e) Able to store and keep electronic ballots accessible to
32 election officials for recount, inspection, and review purposes.
- 33 (3) A member voting electronically pursuant to this section
34 shall be counted as being in attendance at the meeting for
35 purposes of determining a quorum.
- 36 (4) This section applies to an association that provides
37 for and authorizes an online voting system pursuant to this
38 section by a board resolution. The board resolution must provide
39 that members receive notice of the opportunity to vote through
40 an online voting system, must establish reasonable procedures



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

52 (5) A member's consent to online voting is valid until the
53 member opts out of online voting pursuant to the procedures
54 established by the board of administration pursuant to
55 subsection (4).

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

58
59 ===== T I T L E A M E N D M E N T =====

60 And the title is amended as follows:

61 Delete line 74

62 and insert:

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