

1 A bill to be entitled
 2 An act relating to community associations; amending
 3 ss. 718.112, 719.106, and 720.303, F.S.; authorizing
 4 the electronic transmission of notices of certain
 5 meetings of a condominium, cooperative, or homeowners'
 6 association irrespective of whether authorized by the
 7 association's bylaws; creating ss. 718.128, 719.129,
 8 and 720.317, F.S.; authorizing condominium,
 9 cooperative, and homeowners' associations to conduct
 10 votes of the membership by online voting under certain
 11 conditions; providing that a member voting
 12 electronically is counted toward the determination of
 13 a quorum; providing applicability; providing an
 14 effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Paragraph (d) of subsection (2) of section
 19 718.112, Florida Statutes, is amended to read:

20 718.112 Bylaws.—

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

24 (d) Unit owner meetings.—

25 1. An annual meeting of the unit owners shall be held at
 26 the location provided in the association bylaws and, if the

27 | bylaws are silent as to the location, the meeting shall be held
28 | within 45 miles of the condominium property. However, such
29 | distance requirement does not apply to an association governing
30 | a timeshare condominium.

31 | 2. Unless the bylaws provide otherwise, a vacancy on the
32 | board caused by the expiration of a director's term shall be
33 | filled by electing a new board member, and the election must be
34 | by secret ballot. An election is not required if the number of
35 | vacancies equals or exceeds the number of candidates. For
36 | purposes of this paragraph, the term "candidate" means an
37 | eligible person who has timely submitted the written notice, as
38 | described in sub-subparagraph 4.a., of his or her intention to
39 | become a candidate. Except in a timeshare or nonresidential
40 | condominium, or if the staggered term of a board member does not
41 | expire until a later annual meeting, or if all members' terms
42 | would otherwise expire but there are no candidates, the terms of
43 | all board members expire at the annual meeting, and such members
44 | may stand for reelection unless prohibited by the bylaws. If the
45 | bylaws or articles of incorporation permit terms of no more than
46 | 2 years, the association board members may serve 2-year terms.
47 | If the number of board members whose terms expire at the annual
48 | meeting equals or exceeds the number of candidates, the
49 | candidates become members of the board effective upon the
50 | adjournment of the annual meeting. Unless the bylaws provide
51 | otherwise, any remaining vacancies shall be filled by the
52 | affirmative vote of the majority of the directors making up the

53 newly constituted board even if the directors constitute less
54 than a quorum or there is only one director. In a residential
55 condominium association of more than 10 units or in a
56 residential condominium association that does not include
57 timeshare units or timeshare interests, coowners of a unit may
58 not serve as members of the board of directors at the same time
59 unless they own more than one unit or unless there are not
60 enough eligible candidates to fill the vacancies on the board at
61 the time of the vacancy. A unit owner in a residential
62 condominium desiring to be a candidate for board membership must
63 comply with sub-subparagraph 4.a. and must be eligible to be a
64 candidate to serve on the board of directors at the time of the
65 deadline for submitting a notice of intent to run in order to
66 have his or her name listed as a proper candidate on the ballot
67 or to serve on the board. A person who has been suspended or
68 removed by the division under this chapter, or who is delinquent
69 in the payment of any monetary obligation due to the
70 association, is not eligible to be a candidate for board
71 membership and may not be listed on the ballot. A person who has
72 been convicted of any felony in this state or in a United States
73 District or Territorial Court, or who has been convicted of any
74 offense in another jurisdiction which would be considered a
75 felony if committed in this state, is not eligible for board
76 membership unless such felon's civil rights have been restored
77 for at least 5 years as of the date such person seeks election
78 to the board. The validity of an action by the board is not

79 affected if it is later determined that a board member is
80 ineligible for board membership due to having been convicted of
81 a felony. This subparagraph does not limit the term of a member
82 of the board of a nonresidential condominium.

83 3. The bylaws must provide the method of calling meetings
84 of unit owners, including annual meetings. Written notice must
85 include an agenda, must be mailed, hand delivered, or
86 electronically transmitted to each unit owner at least 14 days
87 before the annual meeting, and must be posted in a conspicuous
88 place on the condominium property at least 14 continuous days
89 before the annual meeting. Upon notice to the unit owners, the
90 board shall, by duly adopted rule, designate a specific location
91 on the condominium property or association property where all
92 notices of unit owner meetings shall be posted. This requirement
93 does not apply if there is no condominium property or
94 association property for posting notices. In lieu of, or in
95 addition to, the physical posting of meeting notices, the
96 association may, by reasonable rule, adopt a procedure for
97 conspicuously posting and repeatedly broadcasting the notice and
98 the agenda on a closed-circuit cable television system serving
99 the condominium association. However, if broadcast notice is
100 used in lieu of a notice posted physically on the condominium
101 property, the notice and agenda must be broadcast at least four
102 times every broadcast hour of each day that a posted notice is
103 otherwise required under this section. If broadcast notice is
104 provided, the notice and agenda must be broadcast in a manner

105 and for a sufficient continuous length of time so as to allow an
106 average reader to observe the notice and read and comprehend the
107 entire content of the notice and the agenda. Unless a unit owner
108 waives in writing the right to receive notice of the annual
109 meeting, such notice must be hand delivered, mailed, or
110 electronically transmitted to each unit owner. Notice for
111 meetings and notice for all other purposes must be mailed to
112 each unit owner at the address last furnished to the association
113 by the unit owner, or hand delivered to each unit owner.
114 However, if a unit is owned by more than one person, the
115 association must provide notice to the address that the
116 developer identifies for that purpose and thereafter as one or
117 more of the owners of the unit advise the association in
118 writing, or if no address is given or the owners of the unit do
119 not agree, to the address provided on the deed of record. An
120 officer of the association, or the manager or other person
121 providing notice of the association meeting, must provide an
122 affidavit or United States Postal Service certificate of
123 mailing, to be included in the official records of the
124 association affirming that the notice was mailed or hand
125 delivered in accordance with this provision.

126 4. The members of the board of a residential condominium
127 shall be elected by written ballot or voting machine. Proxies
128 may not be used in electing the board in general elections or
129 elections to fill vacancies caused by recall, resignation, or
130 otherwise, unless otherwise provided in this chapter. This

131 subparagraph does not apply to an association governing a
132 timeshare condominium.

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

157 including rules establishing procedures for giving notice by
158 electronic transmission and rules providing for the secrecy of
159 ballots. Elections shall be decided by a plurality of ballots
160 cast. There is no quorum requirement; however, at least 20
161 percent of the eligible voters must cast a ballot in order to
162 have a valid election. A unit owner may not permit any other
163 person to vote his or her ballot, and any ballots improperly
164 cast are invalid. A unit owner who violates this provision may
165 be fined by the association in accordance with s. 718.303. A
166 unit owner who needs assistance in casting the ballot for the
167 reasons stated in s. 101.051 may obtain such assistance. The
168 regular election must occur on the date of the annual meeting.
169 Notwithstanding this sub-subparagraph, an election is not
170 required unless more candidates file notices of intent to run or
171 are nominated than board vacancies exist.

172 b. Within 90 days after being elected or appointed to the
173 board of an association of a residential condominium, each newly
174 elected or appointed director shall certify in writing to the
175 secretary of the association that he or she has read the
176 association's declaration of condominium, articles of
177 incorporation, bylaws, and current written policies; that he or
178 she will work to uphold such documents and policies to the best
179 of his or her ability; and that he or she will faithfully
180 discharge his or her fiduciary responsibility to the
181 association's members. In lieu of this written certification,
182 within 90 days after being elected or appointed to the board,

183 the newly elected or appointed director may submit a certificate
184 of having satisfactorily completed the educational curriculum
185 administered by a division-approved condominium education
186 provider within 1 year before or 90 days after the date of
187 election or appointment. The written certification or
188 educational certificate is valid and does not have to be
189 resubmitted as long as the director serves on the board without
190 interruption. A director of an association of a residential
191 condominium who fails to timely file the written certification
192 or educational certificate is suspended from service on the
193 board until he or she complies with this sub-subparagraph. The
194 board may temporarily fill the vacancy during the period of
195 suspension. The secretary shall cause the association to retain
196 a director's written certification or educational certificate
197 for inspection by the members for 5 years after a director's
198 election or the duration of the director's uninterrupted tenure,
199 whichever is longer. Failure to have such written certification
200 or educational certificate on file does not affect the validity
201 of any board action.

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

204 5. Any approval by unit owners called for by this chapter
205 or the applicable declaration or bylaws, including, but not
206 limited to, the approval requirement in s. 718.111(8), must be
207 made at a duly noticed meeting of unit owners and is subject to
208 all requirements of this chapter or the applicable condominium

209 documents relating to unit owner decisionmaking, except that
210 unit owners may take action by written agreement, without
211 meetings, on matters for which action by written agreement
212 without meetings is expressly allowed by the applicable bylaws
213 or declaration or any law that provides for such action.

214 6. Unit owners may waive notice of specific meetings if
215 allowed by the applicable bylaws or declaration or any law. ~~If~~
216 ~~authorized by the bylaws,~~ Notice of meetings of the board of
217 administration, unit owner meetings, except unit owner meetings
218 called to recall board members under paragraph (j), and
219 committee meetings may be given by electronic transmission to
220 unit owners who consent to receive notice by electronic
221 transmission.

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

226 8. A unit owner may tape record or videotape a meeting of
227 the unit owners subject to reasonable rules adopted by the
228 division.

229 9. Unless otherwise provided in the bylaws, any vacancy
230 occurring on the board before the expiration of a term may be
231 filled by the affirmative vote of the majority of the remaining
232 directors, even if the remaining directors constitute less than
233 a quorum, or by the sole remaining director. In the alternative,
234 a board may hold an election to fill the vacancy, in which case

235 the election procedures must conform to sub-subparagraph 4.a.
 236 unless the association governs 10 units or fewer and has opted
 237 out of the statutory election process, in which case the bylaws
 238 of the association control. Unless otherwise provided in the
 239 bylaws, a board member appointed or elected under this section
 240 shall fill the vacancy for the unexpired term of the seat being
 241 filled. Filling vacancies created by recall is governed by
 242 paragraph (j) and rules adopted by the division.

243 10. This chapter does not limit the use of general or
 244 limited proxies, require the use of general or limited proxies,
 245 or require the use of a written ballot or voting machine for any
 246 agenda item or election at any meeting of a timeshare
 247 condominium association or nonresidential condominium
 248 association.

249
 250 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
 251 association of 10 or fewer units may, by affirmative vote of a
 252 majority of the total voting interests, provide for different
 253 voting and election procedures in its bylaws, which may be by a
 254 proxy specifically delineating the different voting and election
 255 procedures. The different voting and election procedures may
 256 provide for elections to be conducted by limited or general
 257 proxy.

258 Section 2. Section 718.128, Florida Statutes, is created
 259 to read:

260 718.128 Electronic voting.—The association may conduct

261 elections and other unit owner votes through an internet-based
262 online voting system if a unit owner consents, in writing, to
263 online voting and if the following requirements are met:

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

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

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

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

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

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

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

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

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

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

285 (3) A unit owner voting electronically pursuant to this
286 section shall be counted as being in attendance at the meeting

287 for purposes of determining a quorum. A substantive vote of the
288 unit owners may not be taken on any issue other than the issues
289 specifically identified in the electronic vote, when a quorum is
290 established based on unit owners voting electronically pursuant
291 to this section.

292 (4) This section applies to an association that provides
293 for and authorizes an online voting system pursuant to this
294 section by a board resolution. The board resolution must provide
295 that unit owners receive notice of the opportunity to vote
296 through an online voting system, must establish reasonable
297 procedures and deadlines for unit owners to consent, in writing,
298 to online voting, and must establish reasonable procedures and
299 deadlines for unit owners to opt-out of online voting after
300 giving consent. Written notice of a meeting at which the
301 resolution will be considered must be mailed, delivered, or
302 electronically transmitted to the unit owners and posted
303 conspicuously on the condominium property or association
304 property at least 14 days before the meeting. Evidence of
305 compliance with the 14-day notice requirement must be made by an
306 affidavit executed by the person providing the notice and filed
307 with the official records of the association.

308 (5) A unit owner's consent to online voting is valid until
309 the unit owner opts-out of online voting according to the
310 procedures established by the board of administration pursuant
311 to paragraph (4).

312 (6) This section may apply to any matter that requires a

313 vote of the unit owners.

314 Section 3. Paragraph (d) of subsection (1) of section
315 719.106, Florida Statutes, is amended to read:

316 719.106 Bylaws; cooperative ownership.—

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

320 (d) Shareholder meetings.—There shall be an annual meeting
321 of the shareholders. All members of the board of administration
322 shall be elected at the annual meeting unless the bylaws provide
323 for staggered election terms or for their election at another
324 meeting. Any unit owner desiring to be a candidate for board
325 membership must comply with subparagraph 1. The bylaws must
326 provide the method for calling meetings, including annual
327 meetings. Written notice, which must incorporate an
328 identification of agenda items, shall be given to each unit
329 owner at least 14 days before the annual meeting and posted in a
330 conspicuous place on the cooperative property at least 14
331 continuous days preceding the annual meeting. Upon notice to the
332 unit owners, the board must by duly adopted rule designate a
333 specific location on the cooperative property upon which all
334 notice of unit owner meetings are posted. In lieu of or in
335 addition to the physical posting of the meeting notice, the
336 association may, by reasonable rule, adopt a procedure for
337 conspicuously posting and repeatedly broadcasting the notice and
338 the agenda on a closed-circuit cable television system serving

339 the cooperative association. However, if broadcast notice is
340 used in lieu of a posted notice, the notice and agenda must be
341 broadcast at least four times every broadcast hour of each day
342 that a posted notice is otherwise required under this section.
343 If broadcast notice is provided, the notice and agenda must be
344 broadcast in a manner and for a sufficient continuous length of
345 time to allow an average reader to observe the notice and read
346 and comprehend the entire content of the notice and the agenda.
347 Unless a unit owner waives in writing the right to receive
348 notice of the annual meeting, the notice of the annual meeting
349 must be sent by mail, hand delivered, or electronically
350 transmitted to each unit owner. An officer of the association
351 must provide an affidavit or United States Postal Service
352 certificate of mailing, to be included in the official records
353 of the association, affirming that notices of the association
354 meeting were mailed, hand delivered, or electronically
355 transmitted, in accordance with this provision, to each unit
356 owner at the address last furnished to the association.

357 1. The board of administration shall be elected by written
358 ballot or voting machine. A proxy may not be used in electing
359 the board of administration in general elections or elections to
360 fill vacancies caused by recall, resignation, or otherwise
361 unless otherwise provided in this chapter.

362 a. At least 60 days before a scheduled election, the
363 association shall mail, deliver, or transmit, whether by
364 separate association mailing, delivery, or electronic

365 transmission or included in another association mailing,
366 delivery, or electronic transmission, including regularly
367 published newsletters, to each unit owner entitled to vote, a
368 first notice of the date of the election. Any unit owner or
369 other eligible person desiring to be a candidate for the board
370 of administration must give written notice to the association at
371 least 40 days before a scheduled election. Together with the
372 written notice and agenda as set forth in this section, the
373 association shall mail, deliver, or electronically transmit a
374 second notice of election to all unit owners entitled to vote,
375 together with a ballot that lists all candidates. Upon request
376 of a candidate, the association shall include an information
377 sheet, no larger than 8 1/2 inches by 11 inches, which must be
378 furnished by the candidate at least 35 days before the election,
379 to be included with the mailing, delivery, or electronic
380 transmission of the ballot, with the costs of mailing, delivery,
381 or transmission and copying to be borne by the association. The
382 association is not liable for the contents of the information
383 sheets provided by the candidates. In order to reduce costs, the
384 association may print or duplicate the information sheets on
385 both sides of the paper. The division shall by rule establish
386 voting procedures consistent with this subparagraph, including
387 rules establishing procedures for giving notice by electronic
388 transmission and rules providing for the secrecy of ballots.
389 Elections shall be decided by a plurality of those ballots cast.
390 There is no quorum requirement. However, at least 20 percent of

391 the eligible voters must cast a ballot in order to have a valid
392 election. A unit owner may not permit any other person to vote
393 his or her ballot, and any such ballots improperly cast are
394 invalid. A unit owner who needs assistance in casting the ballot
395 for the reasons stated in s. 101.051 may obtain assistance in
396 casting the ballot. Any unit owner violating this provision may
397 be fined by the association in accordance with s. 719.303. The
398 regular election must occur on the date of the annual meeting.
399 This subparagraph does not apply to timeshare cooperatives.
400 Notwithstanding this subparagraph, an election and balloting are
401 not required unless more candidates file a notice of intent to
402 run or are nominated than vacancies exist on the board. Any
403 challenge to the election process must be commenced within 60
404 days after the election results are announced.

405 b. Within 90 days after being elected or appointed to the
406 board, each new director shall certify in writing to the
407 secretary of the association that he or she has read the
408 association's bylaws, articles of incorporation, proprietary
409 lease, and current written policies; that he or she will work to
410 uphold such documents and policies to the best of his or her
411 ability; and that he or she will faithfully discharge his or her
412 fiduciary responsibility to the association's members. Within 90
413 days after being elected or appointed to the board, in lieu of
414 this written certification, the newly elected or appointed
415 director may submit a certificate of having satisfactorily
416 completed the educational curriculum administered by an

417 education provider as approved by the division pursuant to the
418 requirements established in chapter 718 within 1 year before or
419 90 days after the date of election or appointment. The
420 educational certificate is valid and does not have to be
421 resubmitted as long as the director serves on the board without
422 interruption. A director who fails to timely file the written
423 certification or educational certificate is suspended from
424 service on the board until he or she complies with this sub-
425 subparagraph. The board may temporarily fill the vacancy during
426 the period of suspension. The secretary of the association shall
427 cause the association to retain a director's written
428 certification or educational certificate for inspection by the
429 members for 5 years after a director's election or the duration
430 of the director's uninterrupted tenure, whichever is longer.
431 Failure to have such written certification or educational
432 certificate on file does not affect the validity of any board
433 action.

434 2. Any approval by unit owners called for by this chapter,
435 or the applicable cooperative documents, must be made at a duly
436 noticed meeting of unit owners and is subject to this chapter or
437 the applicable cooperative documents relating to unit owner
438 decisionmaking, except that unit owners may take action by
439 written agreement, without meetings, on matters for which action
440 by written agreement without meetings is expressly allowed by
441 the applicable cooperative documents or law which provides for
442 the unit owner action.

443 3. Unit owners may waive notice of specific meetings if
444 allowed by the applicable cooperative documents or law. ~~It~~
445 ~~authorized by the bylaws,~~ Notice of meetings of the board of
446 administration, shareholder meetings, except shareholder
447 meetings called to recall board members under paragraph (f), and
448 committee meetings may be given by electronic transmission to
449 unit owners who consent to receive notice by electronic
450 transmission.

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

455 5. Any unit owner may tape record or videotape meetings of
456 the unit owners subject to reasonable rules adopted by the
457 division.

458 6. Unless otherwise provided in the bylaws, a vacancy
459 occurring on the board before the expiration of a term may be
460 filled by the affirmative vote of the majority of the remaining
461 directors, even if the remaining directors constitute less than
462 a quorum, or by the sole remaining director. In the alternative,
463 a board may hold an election to fill the vacancy, in which case
464 the election procedures must conform to the requirements of
465 subparagraph 1. unless the association has opted out of the
466 statutory election process, in which case the bylaws of the
467 association control. Unless otherwise provided in the bylaws, a
468 board member appointed or elected under this subparagraph shall

469 fill the vacancy for the unexpired term of the seat being
470 filled. Filling vacancies created by recall is governed by
471 paragraph (f) and rules adopted by the division.

472

473 Notwithstanding subparagraphs (b)2. and (d)1., an association
474 may, by the affirmative vote of a majority of the total voting
475 interests, provide for a different voting and election procedure
476 in its bylaws, which vote may be by a proxy specifically
477 delineating the different voting and election procedures. The
478 different voting and election procedures may provide for
479 elections to be conducted by limited or general proxy.

480 Section 4. Section 719.129, Florida Statutes, is created
481 to read:

482 719.129 Electronic voting.—The association may conduct
483 elections and other unit owner votes through an internet-based
484 online voting system if a unit owner consents, in writing, to
485 online voting and if the following requirements are met:

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

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

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

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

495 (2) The association uses an online voting system that is:
 496 (a) Able to authenticate the unit owner's identity.
 497 (b) Able to authenticate the validity of each electronic
 498 vote to ensure that the vote is not altered in transit.
 499 (c) Able to transmit a receipt from the online voting
 500 system to each unit owner who casts an electronic vote.
 501 (d) For elections of the board of administration, able to
 502 permanently separate any authentication or identifying
 503 information from the electronic election ballot, rendering it
 504 impossible to tie an election ballot to a specific unit owner.
 505 (e) Able to store and keep electronic votes accessible to
 506 election officials for recount, inspection, and review purposes.
 507 (3) A unit owner voting electronically pursuant to this
 508 section shall be counted as being in attendance at the meeting
 509 for purposes of determining a quorum. A substantive vote of the
 510 unit owners may not be taken on any issue other than the issues
 511 specifically identified in the electronic vote, when a quorum is
 512 established based on unit owners voting electronically pursuant
 513 to this section.
 514 (4) This section applies to an association that provides
 515 for and authorizes an online voting system pursuant to this
 516 section by a board resolution. The board resolution must provide
 517 that unit owners receive notice of the opportunity to vote
 518 through an online voting system, must establish reasonable
 519 procedures and deadlines for unit owners to consent, in writing,
 520 to online voting, and must establish reasonable procedures and

521 deadlines for unit owners to opt-out of online voting after
522 giving consent. Written notice of a meeting at which the
523 resolution will be considered must be mailed, delivered, or
524 electronically transmitted to the unit owners and posted
525 conspicuously on the condominium property or association
526 property at least 14 days before the meeting. Evidence of
527 compliance with the 14-day notice requirement must be made by an
528 affidavit executed by the person providing the notice and filed
529 with the official records of the association.

530 (5) A unit owner's consent to online voting is valid until
531 the unit owner opts-out of online voting pursuant to the
532 procedures established by the board of administration pursuant
533 to paragraph (4).

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

536 Section 5. Paragraph (c) of subsection (2) of section
537 720.303, Florida Statutes, is amended to read:

538 720.303 Association powers and duties; meetings of board;
539 official records; budgets; financial reporting; association
540 funds; recalls.—

541 (2) BOARD MEETINGS.—

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

545 1. Notices of all board meetings must be posted in a
546 conspicuous place in the community at least 48 hours in advance

547 of a meeting, except in an emergency. In the alternative, if
548 notice is not posted in a conspicuous place in the community,
549 notice of each board meeting must be mailed or delivered to each
550 member at least 7 days before the meeting, except in an
551 emergency. Notwithstanding this general notice requirement, for
552 communities with more than 100 members, the bylaws may provide
553 for a reasonable alternative to posting or mailing of notice for
554 each board meeting, including publication of notice, provision
555 of a schedule of board meetings, or the conspicuous posting and
556 repeated broadcasting of the notice on a closed-circuit cable
557 television system serving the homeowners' association. However,
558 if broadcast notice is used in lieu of a notice posted
559 physically in the community, the notice must be broadcast at
560 least four times every broadcast hour of each day that a posted
561 notice is otherwise required. When broadcast notice is provided,
562 the notice and agenda must be broadcast in a manner and for a
563 sufficient continuous length of time so as to allow an average
564 reader to observe the notice and read and comprehend the entire
565 content of the notice and the agenda. The association bylaws ~~or~~
566 ~~amended bylaws~~ may provide for giving notice by electronic
567 transmission in a manner authorized by law for meetings of the
568 board of directors, committee meetings requiring notice under
569 this section, and annual and special meetings of the members;
570 however, a member must consent in writing to receiving notice by
571 electronic transmission.

572 2. An assessment may not be levied at a board meeting

573 unless the notice of the meeting includes a statement that
574 assessments will be considered and the nature of the
575 assessments. Written notice of any meeting at which special
576 assessments will be considered or at which amendments to rules
577 regarding parcel use will be considered must be mailed,
578 delivered, or electronically transmitted to the members and
579 parcel owners and posted conspicuously on the property or
580 broadcast on closed-circuit cable television not less than 14
581 days before the meeting.

582 3. Directors may not vote by proxy or by secret ballot at
583 board meetings, except that secret ballots may be used in the
584 election of officers. This subsection also applies to the
585 meetings of any committee or other similar body, when a final
586 decision will be made regarding the expenditure of association
587 funds, and to any body vested with the power to approve or
588 disapprove architectural decisions with respect to a specific
589 parcel of residential property owned by a member of the
590 community.

591 Section 6. Section 720.317, Florida Statutes, is created
592 to read:

593 720.317 Electronic voting.—The association may conduct
594 elections and other membership votes through an internet-based
595 online voting system if a member consents, in writing, to online
596 voting and if the following requirements are met:

597 (1) The association provides each member with:

598 (a) A method to authenticate the member's identity to the

599 online voting system.

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

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

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

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

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

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

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

616 (e) Able to store and keep electronic ballots accessible
617 to election officials for recount, inspection, and review
618 purposes.

619 (3) A member voting electronically pursuant to this
620 section shall be counted as being in attendance at the meeting
621 for purposes of determining a quorum. A substantive vote of the
622 membership may not be taken on any issue other than the issues
623 specifically identified in the electronic vote, when a quorum is
624 established based on members voting electronically pursuant to

625 this section.

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

642 (5) A member's consent to online voting is valid until the
643 member opts-out of online voting pursuant to the procedures
644 established by the board of administration pursuant to paragraph
645 (4).

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

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