

2018 Florida Statutes

Title XL REAL AND PERSONAL PROPERTY

Chapter 720 HOMEOWNERS' ASSOCIATIONS

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

- (1) The association provides each member with:
 - (a) A method to authenticate the member's identity to the online voting system.
 - (b) A method to confirm, at least 14 days before the voting deadline, that the member's electronic device can successfully communicate with the online voting system.
 - (c) A method that is consistent with the election and voting procedures in the association's bylaws.
- (2) The association uses an online voting system that is:
 - (a) Able to authenticate the member's identity.
 - (b) Able to authenticate the validity of each electronic vote to ensure that the vote is not altered in transit.
 - (c) Able to transmit a receipt from the online voting system to each member who casts an electronic vote.
 - (d) Able to permanently separate any authentication or identifying information from the electronic election ballot, rendering it impossible to tie an election ballot to a specific member. This paragraph only applies if the association's bylaws provide for secret ballots for the election of directors.
 - (e) Able to store and keep electronic ballots accessible to election officials for recount, inspection, and review purposes.
- (3) A member voting electronically pursuant to this section shall be counted as being in attendance at the meeting for purposes of determining a quorum.
- (4) This section applies to an association that provides for and authorizes an online voting system pursuant to this section by a board resolution. The board resolution must provide that members receive notice of the opportunity to vote through an online voting system, must establish reasonable procedures and deadlines for members to consent, in writing, to online voting, and must establish reasonable procedures and deadlines for members to opt out of online voting after giving consent. Written notice of a meeting at which the board resolution regarding online voting will be considered must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property or association property at least 14 days before the meeting. Evidence of compliance with the 14-day notice requirement must be made by an affidavit executed by the person providing the notice and filed with the official records of the association.
- (5) A member's consent to online voting is valid until the member opts out of online voting pursuant to the procedures established by the board of administration pursuant to subsection (4).
- (6) This section may apply to any matter that requires a vote of the members.

History.—s. 8, ch. 2015-97.