

**RESOLUTION # 2024-002 AUTHORIZING ELECTRONIC VOTING AND
PARTICIPATION FOR ASSOCIATION MEETINGS AND ELECTIONS**

FAIRVIEW ESTATES OF CITRUS HILLS PROPERTY OWNERS ASSOCIATION, INC

WHEREAS, Section 720.317, Florida Statutes (2024) provides that an association may conduct elections and other owner votes through an Internet-based online voting system if an owner consents, in writing, to online voting and if various requirements are met; and

WHEREAS, the Board of Directors has determined it to be in the best interest of the Association to enable the use of electronic voting in Association matters and to create the requisite authority required by the above-referenced statute; and

NOW, THEREFORE, it is resolved as follows:

1. The Association may permit Owners who desire to do so the ability to utilize electronic voting in conformance with the above-referenced statute, as well as any applicable administrative rules as may now exist, for any meeting or election where the Board determines that it is appropriate to do so.

2. The Board may determine that utilizing electronic voting is not in the best interest of the Association as to any particular meeting or election. Accordingly, there shall be no obligation for the Association to utilize electronic voting at any particular meeting or election.

3. Notice to Owners of the opportunity to vote through an online voting system shall be provided as required by law.

4. The Association hereby adopts the following forms which are incorporated into this Resolution by reference:

- Attached as an Exhibit is the "Consent to Electronic Voting and/or Consent to Receive Electronic Notice of Meetings," which an Owner may sign and file with the Association, or which may be affirmed by the Owner, in order for an Owner to be entitled to vote by electronic means and/or to receive electronic notice of meetings; and
- Attached as an exhibit is the "Revocation of Consent to Electronic Voting and/or Revocation of Consent to Receive Electronic Notice of Meetings," which an Owner may sign and file with the Association, or which may be affirmed by the Owner, to revoke their consent to electronic voting and/or their consent to receive electronic notice of meetings.

Unless prohibited by law an e-mail notification from an Owner to the Association may be used in lieu of a signed consent or revocation form, in which case the terms of the attached consent and revocation forms are incorporated by reference and shall be deemed affirmed by the Owner when consent is given or revoked by e-mail.

5. In order to implement electronic voting, the Association, or its agent, may contract with an outside vendor or other party that provides electronic voting services (referred to collectively hereinafter as the "Provider"). The Board shall use reasonable judgment to ensure that such Provider's services comply with the requirements of law.

6. The Association or its agent shall notify Owners in meeting notice materials, as provided by law, of the ability to vote electronically, including but not limited to the Provider's e-mail address or website in a manner the Association reasonably believes to be sufficient to enable Owners to participate in electronic voting.

7. Owners who consent to vote by electronic means may still vote in person, if they choose, by paper means (use of proxies and ballots), or may send proxies to the Association by facsimile transmission or electronic mail, to the extent the Association otherwise receives and accepts proxies through such media. In the event of multiple votes cast by a Lot as to the same matter, the vote cast first in the election of Directors shall prevail, while the last vote cast will prevail with respect to non-election issues. The Board of Directors has the authority to set cutoff times for electronic voting in connection with the notice of any meeting where electronic voting will be used. In the absence of the Board of Directors announcing a different cutoff time/date for electronic voting, all electronic votes shall be cast at least **one (1)** hour in advance of the start of said meeting at which time the ability to vote electronically shall be deemed closed for that meeting or election. In any instance wherein a meeting is lawfully adjourned and continued to a new time and date, for such matters to be voted upon but the question has not yet been called, the electronic voting shall be reopened following the adjournment to allow the Owner to cast an electronic vote until **one (1)** hour in advance of the reconvening of the meeting, at which time the ability to vote electronically shall be deemed closed for that continued meeting.


8. By signing or affirming the consent form attached as Exhibit "A" hereto and otherwise choosing to vote electronically as enabled by this Resolution, each Owner recognizes that the Association cannot control the practices of third parties regarding internet communications and use of the Owner's e-mail address. As such, and as a condition of the Association's agreement to permit electronic voting, each Owner who consents to electronic voting releases and waives any claim against the Association pertaining to such voting, including but not limited to the transmission or placement of "viruses," "malware," "spyware," "cookies," and the like. Each Owner who consents to electronic voting also consents to the Association's publication of their e-mail address, as well as other information (including necessary personal identifying information) to Providers or other third parties to the extent and as may be reasonably necessary to enable the use of electronic voting processes. Such information shall not be considered an official record, and shall not be available for Owner inspection unless required by law.

9. By signing or affirming the consent form attached as Exhibit "A" hereto, each Owner further recognizes that internet/electronic communications may be subject to failure, interruptions, or other problems due to a variety of reasons, including but not limited to Owner operator error, Provider system or server failures, "spam" blockers, power outages, and the like. As such, and as a condition of the Association's agreement to permit electronic voting, each Owner who consents to electronic voting releases and waives any claim or challenge to such voting, including but not limited to situations where an Owner vote was not received or counted by the Association due to no fault of the Board of Directors or management.

This Resolution was adopted by the Board of Directors on the 3rd day of September 2024, and is effective upon adoption. The meeting at which this Resolution was adopted was preceded by notice provided to each Owner fourteen (14) days in advance of said meeting either by U.S. mail, hand-delivery, or electronic mail (in cases where Owners have consented to receive official Association notices by electronic mail) and by posting said notice conspicuously on the Common Property fourteen (14) days in advance of said meeting. An Affidavit attesting to such notice is kept amongst the official records of the Association.

There are 9 total Board members. The number of Board members who voted in favor of this Resolution is 9. The number of Board members who voted against this Resolution is 0. The vote of each Director is reflected in the minutes of the meeting at which this Resolution was adopted.

Fairview Estates of Citrus Hills Property Owners Association, Inc.

By:  2024-09-10

Raymond B. Wolfel, President

Date: September 10, 2024

**CONSENT TO ELECTRONIC VOTING AND/OR CONSENT TO RECEIVE
ELECTRONIC NOTICE OF MEETINGS**

The undersigned, being all the Owners, or an eligible voter, for Unit No./Address _____, at **Fairview Estates of Citrus Hills, a homeowners association**, pursuant to Florida Statutes, hereby consent(s) in writing to:

(Please place a check mark or x in the box or boxes below for which you are giving consent. You may consent to electronic voting, receiving electronic notice or both).

1. **ELECTRONIC VOTING.** By signing this consent form (or consenting to electronic voting by e-mail sent to the Association), I/we consent to voting electronically at meetings and elections for **Fairview Estates of Citrus Hills Property Owners Association, Inc** to the fullest extent permitted by law, pursuant to the provisions of the Board's Resolution authorizing electronic voting ("Resolution"), and release and waive any claim against the Association pertaining to such voting, including but not limited to the transmission or placement of "viruses," "malware," "spyware," "cookies," and the like and any claim or challenge to such voting, including but not limited to situations where an Owner vote was not received or counted by the Association due to no fault of the Board of Directors or management.

I/We designate the following email address for electronic voting purposes, which e-mail address and other information (including personal identifying information) may be released to a third party that provides electronic voting services or other third parties to the extent and as may be reasonably necessary to enable the use of electronic voting processes:

(PRINT NEATLY) _____.

The undersigned understands and agrees that in order to be valid, this consent form must be signed and on file with the Association, and that the undersigned acknowledges that registration must be complete no later than **seventy-two (72)** hours prior to the meeting or election in which the Unit Owner wishes to vote by electronic means and that online voting access may be cutoff at a time prior to the time the question is called at the meeting. To ensure that you are properly registered with the online voting system, it is highly encouraged that you register the account well in advance of the first meeting where you will be using electronic voting.

I/We further understand and agree that, in order to use a different e-mail address for casting votes electronically, I/we must notify the Association in writing of the change of e-mail address no later than **72** hours prior to the meeting or election in which the Owner wishes to vote by electronic means. If I/we do not provide timely written notice of this change of e-mail address to the Association as provided herein, I/we further understand and agree that I/we may not be able to vote electronically until the next membership meeting and/or election.

2. **ELECTRONIC NOTICE.** I/we consent to receiving notice by electronic transmission for meetings of the Board of Directors, Committees, and Annual and Special Meetings of the Members of **Fairview Estates of Citrus Hills Property Owners Association, Inc.** I/We designate the following email address for electronic notice purposes:

(You may write "same as above" or provide a different email address for electronic notice purposes) _____.

The undersigned understands that mailed/paper notice may not be provided to the Owners unless the Owners have rescinded their consent to receive electronic notice of meetings. **Please be aware that if you consent to receive electronic notice of meetings, your e-mail address designated for that purpose will be an official record of the Association.**

All Owners of the Unit or Eligible Voter Please Print Name, Affix Date and Sign Below:

By: _____ Print Name: _____

Date: _____

By: _____ Print Name: _____

Date: _____

**REVOCATION OF CONSENT TO ELECTRONIC VOTING AND/OR
REVOCATION OF CONSENT TO RECEIVE ELECTRONIC NOTICE OF
MEETINGS**

The undersigned, being all the Owners, or an eligible voter for Unit No./Address _____, at **Fairview Estates of Citrus Hills, a homeowners association**, have previously consented in writing to electronic voting at meetings and elections and/or to receive electronic notice of meetings / elections for **Fairview Estates of Citrus Hills Property Owners Association, Inc.**, as permitted by law and duly filed with the Association.

I/We hereby **revoke** my/our consent for the following (check all that apply):

- Electronic Voting**

- Electronic Notice**

The undersigned understands and agrees that if revoking consent for electronic voting, this form must be signed and on file with the Association no later than **ten (10)** days prior to the meeting or election in which the Unit Owner wishes to revoke consent to vote by electronic means or the revocation will not be effective until the next membership meeting and/or election. However, if the Association receives this revocation less than ten (10) days prior to the meeting or election, the revocation will be effective for the next subsequent membership meeting.

Furthermore, the undersigned understands and agrees that if revoking consent for electronic notice, this form must be signed and on file with the Association no later than **seventy-two (72) hours** prior to the Association sending notice of a meeting or election in which the Unit Owner wishes to revoke consent to electronic notice or the revocation will not be effective until the next meeting and/or election.

All Owners of the Unit or Eligible Voter Please Print Name, Affix Date and Sign Below:

By: _____

Print Name: _____ Date: _____

By: _____

Print Name: _____ Date: _____