

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|-------------|-------|
| ADOPTED | <u> </u> | (Y/N) |
| ADOPTED AS AMENDED | <u> </u> | (Y/N) |
| ADOPTED W/O OBJECTION | <u> </u> | (Y/N) |
| FAILED TO ADOPT | <u> </u> | (Y/N) |
| WITHDRAWN | <u> </u> | (Y/N) |
| OTHER | <u> </u> | |

1 Committee/Subcommittee hearing bill: Business & Consumer
 2 Affairs Subcommittee
 3 Representative Moraitis offered the following:

Amendment

6 Remove lines 155-204 and insert:

7 2. Unless the bylaws provide otherwise, a vacancy on the
 8 board caused by the expiration of a director's term shall be
 9 filled by electing a new board member, and the election must be
 10 by secret ballot. An election is not required if the number of
 11 vacancies equals or exceeds the number of candidates. For
 12 purposes of this paragraph, the term "candidate" means an
 13 eligible person who has timely submitted the written notice, as
 14 described in sub-subparagraph 4.a., of his or her intention to
 15 become a candidate. Except in a timeshare condominium, or if the
 16 staggered term of a board member does not expire until a later
 17 annual meeting, or if all members' terms would otherwise expire
 18 but there are no candidates, the terms of all board members
 19 expire at the annual meeting, and such members may stand for

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20 reelection unless prohibited by the bylaws. If the bylaws or
21 articles of incorporation permit ~~staggered~~ terms of no more than
22 2 years ~~and upon approval of a majority of the total voting~~
23 ~~interests~~, the association board members may serve 2-year
24 ~~staggered~~ terms. If the number of board members whose terms
25 expire at the annual meeting equals or exceeds the number of
26 candidates, the candidates become members of the board effective
27 upon the adjournment of the annual meeting. Unless the bylaws
28 provide otherwise, any remaining vacancies shall be filled by
29 the affirmative vote of the majority of the directors making up
30 the newly constituted board even if the directors constitute
31 less than a quorum or there is only one director. In a
32 condominium association of more than 10 units or in a
33 condominium association that does not include timeshare units or
34 timeshare interests, coowners of a unit may not serve as members
35 of the board of directors at the same time unless they own more
36 than one unit or unless there are not enough eligible candidates
37 to fill the vacancies on the board at the time of the vacancy.
38 Any unit owner desiring to be a candidate for board membership
39 must comply with sub-subparagraph 4.a. and must be eligible to
40 serve on the board of directors at the time of the deadline for
41 submitting a notice of intent to run in order to have his or her
42 name listed as a proper candidate on the ballot or to serve on
43 the board. A person who has been suspended or removed by the
44 division under this chapter, or who is delinquent in the payment
45 of any fee, fine, or special or regular assessment as provided
46 in paragraph (n), is not eligible for board membership. A person
47 who has been convicted of any felony in this state or in a

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48 United States District or Territorial Court, or who has been
49 convicted of any offense in another jurisdiction which would be
50 considered a felony if committed in this state, is not eligible
51 for board membership unless such felon's civil rights have been
52 restored for at least 5 years as of the date such person seeks
53 election to the board. The validity of an action by the board is
54 not affected if it is later determined that a board member is
55 ineligible for board membership due to having been convicted of
56 a felony.