

HB 1017

2004

A bill to be entitled

An act relating to condominiums and cooperatives; creating s. 718.1085, F.S.; authorizing certain condominiums, condominium associations, and unit owners to opt out of retrofitting requirements with respect to handrails and guardrails; prescribing limits on such authority; amending s. 719.1055, F.S.; authorizing certain cooperatives and unit owners to opt out of retrofitting requirements with respect to handrails and guardrails; prescribing limits on such authority; providing an effective date.

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

Section 1. Section 718.1085, Florida Statutes, is created to read:

718.1085 Certain regulations not to be retroactively applied.--Notwithstanding the provisions of chapter 633 or of any other code, statute, ordinance, administrative rule, or regulation, or any interpretation thereof, an association, condominium, or unit owner is not obligated to retrofit the common elements or units of a residential condominium that meets the definition of "housing for older persons" in subparagraph 760.29(4)(b)3. to comply with requirements relating to handrails and guardrails if the unit owners have voted to forego such retrofitting by the affirmative vote of two-thirds of all voting interests in the affected condominium. However, a condominium association may not vote to forego the retrofitting in common areas in a high-rise building. For the purposes of this section, the term "high-rise building" means a building that is greater

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30 than 75 feet in height where the building height is measured  
31 from the lowest level of fire department access to the floor of  
32 the highest occupiable level. For the purposes of this section,  
33 the term "common areas" means stairwells and exposed, outdoor  
34 walkways and corridors. In no event shall the local authority  
35 having jurisdiction require retrofitting of common areas with  
36 handrails and guardrails before the end of 2014.

37 (1) A vote to forego retrofitting may not be obtained by  
38 general proxy or limited proxy, but shall be obtained by a vote  
39 personally cast at a duly called membership meeting, or by  
40 execution of a written consent by the member, and shall be  
41 effective upon the recording of a certificate attesting to such  
42 vote in the public records of the county where the condominium  
43 is located. The association shall provide each unit owner  
44 written notice of the vote to forego retrofitting of the  
45 required handrails or guardrails, or both, in at least 16-point  
46 bold type, by certified mail, within 20 days after the  
47 association's vote. After such notice is provided to each owner,  
48 a copy of such notice shall be provided by the current owner to  
49 a new owner prior to closing and shall be provided by a unit  
50 owner to a renter prior to signing a lease.

51 (2) As part of the information collected annually from  
52 condominiums, the division shall require condominium  
53 associations to report the membership vote and recording of a  
54 certificate under this subsection and, if retrofitting has been  
55 undertaken, the per-unit cost of such work. The division shall  
56 annually report to the Division of State Fire Marshal of the  
57 Department of Financial Services the number of condominiums that  
58 have elected to forego retrofitting.

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59 Section 2. Subsection (6) is added to section 719.1055,  
60 Florida Statutes, to read:

61 719.1055 Amendment of cooperative documents; alteration  
62 and acquisition of property.--

63 (6) Notwithstanding the provisions of chapter 633 or of  
64 any other code, statute, ordinance, administrative rule, or  
65 regulation, or any interpretation thereof, a cooperative or unit  
66 owner is not obligated to retrofit the common elements or units  
67 of a residential cooperative that meets the definition of  
68 "housing for older persons" in subparagraph 760.29(4)(b)3. to  
69 comply with requirements relating to handrails and guardrails in  
70 a building that has been certified for occupancy by the  
71 applicable governmental entity, if the unit owners have voted to  
72 forego such retrofitting by the affirmative vote of two-thirds  
73 of all voting interests in the affected cooperative. However, a  
74 cooperative may not forego the retrofitting in common areas in a  
75 high-rise building. For purposes of this subsection, the term  
76 "high-rise building" means a building that is greater than 75  
77 feet in height where the building height is measured from the  
78 lowest level of fire department access to the floor of the  
79 highest occupiable story. For purposes of this subsection, the  
80 term "common areas" means stairwells and exposed, outdoor  
81 walkways and corridors. In no event shall the local authority  
82 having jurisdiction require completion of retrofitting of common  
83 areas with handrails and guardrails before the end of 2014.

84 (a) A vote to forego retrofitting may not be obtained by  
85 general proxy or limited proxy, but shall be obtained by a vote  
86 personally cast at a duly called membership meeting, or by  
87 execution of a written consent by the member, and shall be

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88 effective upon the recording of a certificate attesting to such  
89 vote in the public records of the county where the cooperative  
90 is located. The association shall provide each unit owner  
91 written notice of the vote to forego retrofitting of the  
92 required handrails or guardrails, or both, in at least 16-point  
93 bold type, by certified mail, within 20 days after the  
94 association's vote. After such notice is provided to each owner,  
95 a copy of such notice shall be provided by the current owner to  
96 a new owner prior to closing and shall be provided by a unit  
97 owner to a renter prior to signing a lease.

98 (b) As part of the information collected annually from  
99 cooperatives, the division shall require associations to report  
100 the membership vote and recording of a certificate under this  
101 subsection and, if retrofitting has been undertaken, the per-  
102 unit cost of such work. The division shall annually report to  
103 the Division of State Fire Marshal of the Department of  
104 Financial Services the number of cooperatives that have elected  
105 to forego retrofitting.

106 Section 3. This act shall take effect July 1, 2004.