2004 Legislature

SB 1728

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2	An act relating to condominiums and
3	cooperatives; creating s. 718.1085, F.S., and
4	amending s. 719.1055, F.S.; authorizing certain
5	condominiums, condominium associations,
6	cooperatives, and unit owners to opt out of
7	retrofitting requirements with respect to
8	handrails and guardrails; prescribing limits on
9	such authority; providing an effective date.
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11	Be It Enacted by the Legislature of the State of Florida:
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13	Section 1. Section 718.1085, Florida Statutes, is
14	created to read:
15	718.1085 Certain regulations not to be retroactively
16	appliedNotwithstanding the provisions of chapter 633 or of
17	any other code, statute, ordinance, administrative rule, or
18	regulation, or any interpretation thereof, an association,
19	condominium, or unit owner is not obligated to retrofit the
20	common elements or units of a residential condominium that
21	meets the definition of "housing for older persons" in
22	subparagraph 760.29(4)(b)3. to comply with requirements
23	relating to handrails and guardrails if the unit owners have
24	voted to forego such retrofitting by the affirmative vote of
25	two-thirds of all voting interests in the affected
26	condominium. However, a condominium association may not vote
27	to forego the retrofitting in common areas in a high-rise
28	building. For the purposes of this section, the term
29	"high-rise building" means a building that is greater than 75
30	feet in height where the building height is measured from the
31	lowest level of fire department access to the floor of the

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2the term "common areas" means stairwells and exposed, outdoor3walkways and corridors. In no event shall the local authority4having jurisdiction require retrofitting of common areas with5handrails and quardrails before the end of 2014.6(1) A vote to forego retrofitting may not be obtained7by general proxy or limited proxy, but shall be obtained by a8vote personally cast at a duly called membership meeting, or9by execution of a written consent by the member, and shall be10effective upon the recording of a certificate attesting to11such vote in the public records of the county where the12condominium is located. The association shall provide each13unit owner written notice of the vote to forego retrofitting14of the required handrails or quardrails, or both, in at least1516-point bold type, by certified mail, within 20 days after16the association's vote. After such notice is provided to each17owner to a new owner prior to closing and shall be provided by18owner to a new owner prior to signing a lease.19a unit owner to a renter prior to signing a lease.11condominiums, the division shall require condominium12associations to report the membership vote and recording of a16certificate under this subsection and, if retrofitting has16been undertaken, the per-unit cost of such work. The division17shall annually report to the Division of State Fire Marshal of18the Department of Financial Se	1	highest occupiable level. For the purposes of this section,
4having jurisdiction require retrofitting of common areas with handrails and quardrails before the end of 2014.6(1) A vote to forego retrofitting may not be obtained by general proxy or limited proxy, but shall be obtained by a vote personally cast at a duly called membership meeting, or by execution of a written consent by the member, and shall be effective upon the recording of a certificate attesting to such vote in the public records of the county where the condominium is located. The association shall provide each unit owner written notice of the vote to forego retrofitting of the required handrails or quardrails, or both, in at least l6-point bold type, by certified mail, within 20 days after the association's vote. After such notice is provided to each owner, a copy of such notice shall be provided by the current owner to a new owner prior to closing and shall be provided by a unit owner to a renter prior to signing a lease. (2) As part of the information collected annually from condominiums, the division shall require condominium associations to report the membership vote and recording of a certificate under this subsection and, if retrofitting has been undertaken, the per-unit cost of such work. The division shall annually report to the Division of State Fire Marshal of the Department of Financial Services the number of condominiums that have elected to forego retrofitting. Section 2. Subsection (6) is added to section 719.1055 Amendment of cooperative documents;	2	the term "common areas" means stairwells and exposed, outdoor
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 unit owner written notice of the vote to forego retrofitting of the required handrails or quardrails, or both, in at least 16-point bold type, by certified mail, within 20 days after the association's vote. After such notice is provided to each owner, a copy of such notice shall be provided by the current owner to a new owner prior to closing and shall be provided by a unit owner to a renter prior to signing a lease. (2) As part of the information collected annually from condominiums, the division shall require condominium associations to report the membership vote and recording of a certificate under this subsection and, if retrofitting has been undertaken, the per-unit cost of such work. The division shall annually report to the Division of State Fire Marshal of the Department of Financial Services the number of condominiums that have elected to forego retrofitting. Section 2. Subsection (6) is added to section 719.1055, Florida Statutes, to read: 719.1055 Amendment of cooperative documents; 	11	such vote in the public records of the county where the
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21 <u>condominiums, the division shall require condominium</u> 22 <u>associations to report the membership vote and recording of a</u> 23 <u>certificate under this subsection and, if retrofitting has</u> 24 <u>been undertaken, the per-unit cost of such work. The division</u> 25 <u>shall annually report to the Division of State Fire Marshal of</u> 26 <u>the Department of Financial Services the number of</u> 27 <u>condominiums that have elected to forego retrofitting.</u> 28 <u>Section 2.</u> Subsection (6) is added to section 29 719.1055, Florida Statutes, to read: 30 719.1055 Amendment of cooperative documents;	19	a unit owner to a renter prior to signing a lease.
22 associations to report the membership vote and recording of a 23 certificate under this subsection and, if retrofitting has 24 been undertaken, the per-unit cost of such work. The division 25 shall annually report to the Division of State Fire Marshal of 26 the Department of Financial Services the number of 27 condominiums that have elected to forego retrofitting. 28 Section 2. Subsection (6) is added to section 29 719.1055, Florida Statutes, to read: 30 719.1055 Amendment of cooperative documents;	20	(2) As part of the information collected annually from
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26 <u>the Department of Financial Services the number of</u> 27 <u>condominiums that have elected to forego retrofitting.</u> 28 Section 2. Subsection (6) is added to section 29 719.1055, Florida Statutes, to read: 30 719.1055 Amendment of cooperative documents;	24	been undertaken, the per-unit cost of such work. The division
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<pre>29 719.1055, Florida Statutes, to read: 30 719.1055 Amendment of cooperative documents;</pre>	27	condominiums that have elected to forego retrofitting.
30 719.1055 Amendment of cooperative documents;	28	Section 2. Subsection (6) is added to section
_	29	719.1055, Florida Statutes, to read:
31 alteration and acquisition of property	30	719.1055 Amendment of cooperative documents;
	31	alteration and acquisition of property

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1	(6) Notwithstanding the provisions of chapter 633 or
2	of any other code, statute, ordinance, administrative rule, or
3	regulation, or any interpretation thereof, a cooperative or
4	<u>unit owner is not obligated to retrofit the common elements or</u>
5	units of a residential cooperative that meets the definition
б	of "housing for older persons" in subparagraph 760.29(4)(b)3.
7	to comply with requirements relating to handrails and
8	guardrails in a building that has been certified for occupancy
9	by the applicable governmental entity, if the unit owners have
10	voted to forego such retrofitting by the affirmative vote of
11	two-thirds of all voting interests in the affected
12	cooperative. However, a cooperative may not forego the
13	retrofitting in common areas in a high-rise building. For
14	purposes of this subsection, the term "high-rise building"
15	means a building that is greater than 75 feet in height where
16	the building height is measured from the lowest level of fire
17	department access to the floor of the highest occupiable
18	story. For purposes of this subsection, the term "common
19	areas" means stairwells and exposed, outdoor walkways and
20	corridors. In no event shall the local authority having
21	jurisdiction require completion of retrofitting of common
22	areas with handrails and quardrails before the end of 2014.
23	(a) A vote to forego retrofitting may not be obtained
24	by general proxy or limited proxy, but shall be obtained by a
25	vote personally cast at a duly called membership meeting, or
26	by execution of a written consent by the member, and shall be
27	effective upon the recording of a certificate attesting to
28	such vote in the public records of the county where the
29	cooperative is located. The association shall provide each
30	unit owner written notice of the vote to forego retrofitting
31	of the required handrails or quardrails, or both, in at least

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1	16-point bold type, by certified mail, within 20 days after
2	the association's vote. After such notice is provided to each
3	owner, a copy of such notice shall be provided by the current
4	owner to a new owner prior to closing and shall be provided by
5	a unit owner to a renter prior to signing a lease.
6	(b) As part of the information collected annually from
7	cooperatives, the division shall require associations to
8	report the membership vote and recording of a certificate
9	under this subsection and, if retrofitting has been
10	undertaken, the per-unit cost of such work. The division shall
11	annually report to the Division of State Fire Marshal of the
12	Department of Financial Services the number of cooperatives
13	that have elected to forego retrofitting.
14	Section 3. This act shall take effect July 1, 2004.
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