



508306

CHAMBER ACTION

Senate

House

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Floor: 10/AD/2R
4/23/2008 2:34 PM

1 Senator Villalobos moved the following **amendment:**

2
3 **Senate Amendment (with title amendment)**

4 Delete line(s) 1527-1561

5 and insert:

6 code. ~~Notwithstanding any provision to the contrary in the~~
7 ~~condominium documents, if approval is required by the documents,~~
8 ~~a board shall not refuse to approve the installation or~~
9 ~~replacement of hurricane shutters conforming to the~~
10 ~~specifications adopted by the board.~~

11 (a) The board may, subject to the provisions of s.
12 718.3026, and the approval of a majority of voting interests of
13 the condominium, install hurricane shutters or hurricane
14 protection that complies with or exceeds the applicable building
15 code, or both, except that a vote of the owners is not required
16 if the maintenance, repair, and replacement of hurricane shutters
17 or other forms of hurricane protection are the responsibility of



508306

18 the association pursuant to the declaration of condominium and
19 may maintain, repair, or replace such approved hurricane
20 shutters, whether on or within common elements, limited common
21 elements, units, or association property. However, where
22 hurricane protection or laminated glass or window film
23 architecturally designed to function as hurricane protection
24 which complies with or exceeds the current applicable building
25 code has been previously installed, the board may not install
26 hurricane shutters or other hurricane protection.

27 (b) The association shall be responsible for the
28 maintenance, repair, and replacement of the hurricane shutters or
29 other hurricane protection authorized by this subsection if such
30 hurricane shutters or other hurricane protection are the
31 responsibility of the association pursuant to the declaration of
32 condominium. If the hurricane shutters or other hurricane
33 protection authorized by this subsection are the responsibility
34 of the unit owners pursuant to the declaration of condominium,
35 the responsibility for the maintenance, repair, and replacement
36 of such items shall be the responsibility of the unit owner.

37 (c) The board may operate shutters installed pursuant to
38 this subsection without permission of the unit owners only where
39 such operation is necessary to preserve and protect the
40 condominium property and association property. The installation,
41 replacement, operation, repair, and maintenance of such shutters
42 in accordance with the procedures set forth herein shall not be
43 deemed a material alteration to the common elements or
44 association property within the meaning of this section.

45 (d) Notwithstanding any provision to the contrary in the
46 condominium documents, if approval is required by the documents,
47 a board shall not refuse to approve the installation or



508306

48 replacement of hurricane shutters by a unit owner conforming to
49 the specifications adopted by the board.

50 (6) As to any condominium building greater than three
51 stories in height, at least every 5 years, and within 5 years if
52 not available for inspection on October 1, 2008, the board shall
53 have the condominium building inspected to provide a report under
54 seal of an architect or engineer authorized to practice in this
55 state attesting to required maintenance, useful life, and
56 replacement costs of the common elements. However, if approved by
57 a majority of the voting interests present at a properly called
58 meeting of the association, an association may waive this
59 requirement. Such meeting and approval must occur prior to the
60 end of the 5-year period and is effective only for that 5-year
61 period.

62 (7) An association may not refuse the request of a unit
63 owner for a reasonable accommodation for the attachment on the
64 mantle or frame of the door of the unit owner a religious object
65 not to exceed 3 inches wide, 6 inches high, and 1.5 inches deep.

66 Section 10. Paragraph (e) of subsection (1) of section
67 718.115, Florida Statutes, is amended to read:

68 718.115 Common expenses and common surplus.--

69 (1)

70 (e) The expense of installation, replacement, operation,
71 repair, and maintenance of hurricane shutters or other hurricane
72 protection by the board pursuant to s. 718.113(5) shall
73 constitute a common expense as defined herein and shall be
74 collected as provided in this section if the association is
75 responsible for the maintenance, repair, and replacement of the
76 hurricane shutters or other hurricane protection pursuant to the
77 declaration of condominium. However, if the maintenance, repair,



508306

78 | and replacement of the hurricane shutters or other hurricane
79 | protection is the responsibility of the unit owners pursuant to
80 | the declaration of condominium, the cost of the installation of
81 | the hurricane shutters or other hurricane protection shall not be
82 | a common expense, but shall be charged individually to the unit
83 | owners based on the cost of installation of the hurricane
84 | shutters or other hurricane protection appurtenant to the unit.
85 | Notwithstanding the provisions of s. 718.116(9), and regardless
86 | of whether or not the declaration requires the association or
87 | unit owners maintain, repair, or replace hurricane shutters or
88 | other hurricane protection a unit owner who has previously
89 | installed hurricane shutters in accordance with s. 718.113(5)
90 | other hurricane protection or laminated glass architecturally
91 | designed to function as hurricane protection, which hurricane
92 | shutters or other hurricane protection or laminated glass comply
93 | ~~complies~~ with the current applicable building code shall receive
94 | a credit equal to the pro rata portion of the assessed
95 | installation cost assigned to each unit. However, such unit owner
96 | shall remain responsible for the pro rata share of expenses for
97 | hurricane shutters or other hurricane protection installed on
98 | common elements and association property by the board pursuant to
99 | s. 718.113(5), and shall remain responsible for a pro rata share
100 | of the expense of the replacement, operation, repair, and
101 | maintenance of such shutters or other hurricane protection.

102 |
103 | ===== T I T L E A M E N D M E N T =====

104 | And the title is amended as follows:

105 | Delete line(s) 87-92

106 | and insert:



508306

107 hurricane shutters under certain circumstances; providing
108 for the maintenance, repair, and replacement of hurricane
109 shutters or other hurricane protection; providing that a
110 vote of the owners is not required under certain
111 conditions; prohibiting a board from refusing to approve
112 the installation or replacement of hurricane shutters by a
113 unit owner under certain conditions; requiring that the
114 board inspect certain condominium buildings and issue a
115 report thereupon; providing an exception; prohibiting the
116 board from refusing a request for reasonable accommodation
117 for the attachment to a unit of religious objects meeting
118 certain size specifications; amending s. 718.115, F.S.;
119 providing the expense of installation, replacement,
120 operation, repair, and maintenance of hurricane shutters
121 or other hurricane protection shall constitute either a
122 common expense or shall be charged individually to the
123 unit owners under certain conditions; amending s. 718.117,
124 F.S.; requiring