

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Robaina offered the following:

2
3 **Substitute Amendment for Amendment (905987) (with title**
4 **amendment)**

5 Remove lines 1487-1527 and insert:
6 applicable building code. ~~Notwithstanding any provision to the~~
7 ~~contrary in the condominium documents, if approval is required~~
8 ~~by the documents, a board shall not refuse to approve the~~
9 ~~installation or replacement of hurricane shutters conforming to~~
10 ~~the 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 and may maintain, repair, or replace such approved
16 ~~hurricane shutters, whether on or within common elements,~~

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17 ~~limited common elements, units, or association property.~~

18 However, where hurricane protection that complies with or
19 exceeds the applicable building code or laminated glass or
20 window film architecturally designed to function as hurricane
21 protection which complies with the applicable building code has
22 been installed, the board may not install hurricane shutters.

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

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

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

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44 replacement of hurricane shutters by a unit owner conforming to
45 the specifications adopted by the board.

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

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

62 Section 10. Paragraph (e) of subsection (1) of section
63 718.115, Florida Statutes, is amended to read:

64 718.115 Common expenses and common surplus.--

65 (1)

66 (e) The expense of installation, replacement, operation,
67 repair, and maintenance of hurricane shutters or other hurricane
68 protection by the board pursuant to s. 718.113(5) shall
69 constitute a common expense as defined herein and shall be
70 collected as provided in this section if the association is
71 responsible for the maintenance, repair, and replacement of the

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

Remove lines 87-92 and insert:

hurricane shutters under certain circumstances; providing for the maintenance, repair, and replacement of hurricane shutters or other hurricane protection; prohibiting a board from refusing to approve the installation or replacement of hurricane shutters by a unit owner under certain conditions; requiring that the board inspect certain condominium buildings and issue a report thereupon; providing an exception; prohibiting the board from refusing a request for reasonable accommodation for the attachment to a unit of religious objects meeting certain size specifications; amending s. 718.115, F.S.; providing the expense of installation, replacement, operation, repair, and maintenance of hurricane shutters or other hurricane protection shall constitute either a common expense or shall be charged individually to the unit owners under certain conditions;