

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Robaina offered the following:

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

4 Remove lines 1487-1511 and insert:
5 applicable building code. ~~Notwithstanding any provision to the~~
6 ~~contrary in the condominium documents, if approval is required~~
7 ~~by the documents, a board shall not refuse to approve the~~
8 ~~installation or replacement of hurricane shutters conforming to~~
9 ~~the specifications adopted by the board.~~

10 (a) The board may, subject to the provisions of s.
11 718.3026, and the approval of a majority of voting interests of
12 the condominium, install hurricane shutters or hurricane
13 protection that complies with or exceeds the applicable building
14 code, or both ~~and may maintain, repair, or replace such approved~~
15 ~~hurricane shutters, whether on or within common elements,~~
16 ~~limited common elements, units, or association property.~~

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

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

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

40 (d) Notwithstanding any provision to the contrary in the
41 condominium documents, if approval is required by the documents,
42 a board shall not refuse to approve the installation or
43 replacement of hurricane shutters by a unit owner conforming to
44 the specifications adopted by the board.

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45 Section 10. Paragraph (e) of subsection (1) of section
46 718.115, Florida Statutes, is amended to read:

47 718.115 Common expenses and common surplus.--

48 (1)

49 (e) The expense of installation, replacement, operation,
50 repair, and maintenance of hurricane shutters or other hurricane
51 protection by the board pursuant to s. 718.113(5) shall
52 constitute a common expense as defined herein and shall be
53 collected as provided in this section if the association is
54 responsible for the maintenance, repair, and replacement of the
55 hurricane shutters or other hurricane protection pursuant to the
56 declaration of condominium. However, if the maintenance, repair,
57 and replacement of the hurricane shutters or other hurricane
58 protection is the responsibility of the unit owners pursuant to
59 the declaration of condominium, the cost of the installation of
60 the hurricane shutters or other hurricane protection shall not
61 be a common expense, but shall be charged individually to the
62 unit owners based on the cost of installation of the hurricane
63 shutters or other hurricane protection appurtenant to the unit.
64 Notwithstanding the provisions of s. 718.116(9), and regardless
65 of whether or not the declaration requires the association or
66 unit owners maintain, repair, or replace hurricane shutters or
67 other hurricane protection a unit owner who has previously
68 installed hurricane shutters in accordance with s. 718.113(5)
69 other hurricane protection or laminated glass architecturally
70 designed to function as hurricane protection, which hurricane
71 shutters or other hurricane protection or laminated glass comply
72 ~~complies~~ with the current applicable building code shall receive

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73 a credit equal to the pro rata portion of the assessed
74 installation cost assigned to each unit. However, such unit
75 owner shall remain responsible for the pro rata share of
76 expenses for hurricane shutters or other hurricane protection
77 installed on common elements and association property by the
78 board pursuant to s. 718.113(5), and shall remain responsible
79 for a pro rata share of the expense of the replacement,
80 operation, repair, and maintenance of such shutters or other
81 hurricane protection.

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84 **T I T L E A M E N D M E N T**

85 Remove line 87 and insert:

86 hurricane shutters under certain circumstances; providing for
87 the maintenance, repair, and replacement of hurricane shutters
88 or other hurricane protection; prohibiting a board from refusing
89 to approve the installation or replacement of hurricane shutters
90 by a unit owner under certain conditions; amending s. 718.115,
91 F.S.; providing the expense of installation, replacement,
92 operation, repair, and maintenance of hurricane shutters or
93 other hurricane protection shall constitute either a common
94 expense or shall be charged individually to the unit owners
95 under certain conditions; requiring