

By Senator Sobel

31-00814A-09

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1 A bill to be entitled

2 An act relating to condominiums; amending s. 718.1085,
3 F.S.; extending until 2016 a provision prohibiting
4 local authorities having jurisdiction from requiring
5 the retrofitting of condominium common areas with
6 handrails and guardrails; providing an effective date.
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8 Be It Enacted by the Legislature of the State of Florida:
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10 Section 1. Section 718.1085, Florida Statutes, is amended
11 to read:

12 718.1085 Certain regulations not to be retroactively
13 applied.—Notwithstanding the provisions of chapter 633 or of any
14 other code, statute, ordinance, administrative rule, or
15 regulation, or any interpretation thereof, an association,
16 condominium, or unit owner is not obligated to retrofit the
17 common elements or units of a residential condominium that meets
18 the definition of "housing for older persons" in s.
19 760.29(4)(b)3. to comply with requirements relating to handrails
20 and guardrails if the unit owners have voted to forego such
21 retrofitting by the affirmative vote of two-thirds of all voting
22 interests in the affected condominium. However, a condominium
23 association may not vote to forego the retrofitting in common
24 areas in a high-rise building. For the purposes of this section,
25 the term "high-rise building" means a building that is greater
26 than 75 feet in height where the building height is measured
27 from the lowest level of fire department access to the floor of
28 the highest occupiable level. For the purposes of this section,
29 the term "common areas" means stairwells and exposed, outdoor

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30 walkways and corridors. In no event shall the local authority
31 having jurisdiction require retrofitting of common areas with
32 handrails and guardrails before the end of 2016 ~~2014~~.

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

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

55 Section 2. This act shall take effect July 1, 2009.