



818234

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/28/2011	.	
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	.	

The Committee on Community Affairs (Ring) recommended the following:

Senate Amendment (with title amendment)

Between lines 634 and 635
insert:

Section 3. Subsection (5) of section 718.113, Florida Statutes, is amended to read:

718.113 Maintenance; limitation upon improvement; display of flag; hurricane shutters; display of religious decorations.-

(5) Each board of administration shall adopt hurricane shutter specifications for each building within each condominium operated by the association which ~~shall~~ include color, style, and other factors deemed relevant by the board. All



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13 specifications adopted by the board must ~~shall~~ comply with the
14 applicable building code.

15 (a) The board may, subject to ~~the provisions of s.~~
16 718.3026~~7~~, and the approval of a majority of voting interests of
17 the condominium, install hurricane shutters, impact glass or
18 other code-compliant windows, or hurricane protection that
19 complies with or exceeds the applicable building code. However~~7~~,
20 ~~or both, except that~~ a vote of the owners is not required if the
21 maintenance, repair, and replacement of hurricane shutters,
22 impact glass, or other code-compliant windows ~~or other forms of~~
23 ~~hurricane protection~~ are the responsibility of the association
24 pursuant to the declaration of condominium. If ~~However, where~~
25 hurricane protection or laminated glass or window film
26 architecturally designed to function as hurricane protection
27 which complies with or exceeds the current applicable building
28 code has been previously installed, the board may not install
29 hurricane shutters, ~~or other~~ hurricane protection, or impact
30 glass or other code-compliant windows except upon approval by a
31 majority vote of the voting interests.

32 (b) The association is ~~shall be~~ responsible for the
33 maintenance, repair, and replacement of the hurricane shutters
34 or other hurricane protection authorized by this subsection if
35 such hurricane shutters or other hurricane protection is the
36 responsibility of the association pursuant to the declaration of
37 condominium. If the hurricane shutters or other hurricane
38 protection is ~~authorized by this subsection~~ are the
39 responsibility of the unit owners pursuant to the declaration of
40 condominium, the responsibility for the maintenance, repair, and
41 replacement of such items is ~~shall be~~ the responsibility of the



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42 unit owner.

43 (c) The board may operate shutters installed pursuant to
44 this subsection without permission of the unit owners only if
45 ~~where~~ such operation is necessary to preserve and protect the
46 condominium property and association property. The installation,
47 replacement, operation, repair, and maintenance of such shutters
48 in accordance with the procedures set forth in this paragraph
49 are ~~herein shall~~ not be deemed a material alteration to the
50 common elements or association property within the meaning of
51 this section.

52 (d) Notwithstanding any other provision ~~to the contrary~~ in
53 the condominium documents, if approval is required by the
54 documents, a board may ~~shall~~ not refuse to approve the
55 installation or replacement of hurricane shutters by a unit
56 owner conforming to the specifications adopted by the board.

57

58 ===== T I T L E A M E N D M E N T =====

59 And the title is amended as follows:

60 Delete line 17

61 and insert:

62 board director; amending s. 718.113, F.S.; authorizing
63 the board of a condominium association to install
64 impact glass or other code-compliant windows under
65 certain circumstances; amending s. 718.114, F.S.;
66 requiring