



316652

LEGISLATIVE ACTION

Senate

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House

Senator Pizzo moved the following:

1 **Senate Amendment to Amendment (799580) (with title**
2 **amendment)**

3
4 Between lines 171 and 172

5 insert:

6 Section 4. Section 718.1085, Florida Statutes, is amended
7 to read:

8 718.1085 Certain regulations not to be retroactively
9 applied.—Notwithstanding the provisions of chapter 633 or of any
10 other code, statute, ordinance, administrative rule, or
11 regulation, or any interpretation thereof, an association,



316652

12 condominium, or unit owner is not obligated to retrofit the
13 common elements or units of a residential condominium that meets
14 the definition of "housing for older persons" in s.
15 760.29(4)(b)3. to comply with requirements relating to handrails
16 and guardrails if the unit owners have voted to forego such
17 retrofitting by the affirmative vote of two-thirds of all voting
18 interests in the affected condominium. However, a condominium
19 association may not vote to forego the retrofitting in common
20 areas in a high-rise building. For the purposes of this section,
21 the term "high-rise building" means a building that is greater
22 than 75 feet in height where the building height is measured
23 from the lowest level of fire department access to the floor of
24 the highest occupiable level. For the purposes of this section,
25 the term "common areas" means stairwells and exposed, outdoor
26 walkways and corridors and does not include individual
27 balconies. In no event shall the local authority having
28 jurisdiction require retrofitting of common areas with handrails
29 and guardrails before the end of 2014.

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



316652

41 a copy of such notice shall be provided by the current owner to
42 a new owner prior to closing and shall be provided by a unit
43 owner to a renter prior to signing a lease.

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

52

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

54 And the title is amended as follows:

55 Between lines 294 and 295

56 insert:

57 amending s. 718.1085, F.S.; revising the definition of
58 the term "common areas" to exclude individual
59 balconies from handrail and guardrail requirements;