

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

Committee/Subcommittee hearing PCB: Civil Justice Subcommittee
Representative Moraitis offered the following:

Amendment (with directory and title amendments)

Between lines 133 and 134, insert:

(11) INSURANCE.—In order to protect the safety, health, and welfare of the people of the State of Florida and to ensure consistency in the provision of insurance coverage to condominiums and their unit owners, this subsection applies to every residential condominium in the state, regardless of the date of its declaration of condominium. It is the intent of the Legislature to encourage lower or stable insurance premiums for associations described in this subsection.

(j) Any portion of the condominium property that must be insured by the association against property loss pursuant to paragraph (f) which is damaged by an insurable event shall be reconstructed, repaired, or replaced as necessary by the association as a common expense. All property insurance deductibles, uninsured losses, and other damages in excess of property insurance coverage under the property insurance

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21 policies maintained by the association are a common expense of
22 the condominium, except that:

23 1. A unit owner is responsible for the costs of repair or
24 replacement of any portion of the condominium property not paid
25 by insurance proceeds if such damage is caused by intentional
26 conduct, negligence, or failure to comply with the terms of the
27 declaration or the rules of the association by a unit owner, the
28 members of his or her family, unit occupants, tenants, guests,
29 or invitees, without compromise of the subrogation rights of the
30 insurer.

31 2. The provisions of subparagraph 1. regarding the
32 financial responsibility of a unit owner for the costs of
33 repairing or replacing other portions of the condominium
34 property also apply to the costs of repair or replacement of
35 personal property of other unit owners or the association, as
36 well as other property, whether real or personal, which the unit
37 owners are required to insure.

38 3. To the extent the cost of repair or reconstruction for
39 which the unit owner is responsible under this paragraph is
40 reimbursed to the association by insurance proceeds, and the
41 association has collected the cost of such repair or
42 reconstruction from the unit owner, the association shall
43 reimburse the unit owner without the waiver of any rights of
44 subrogation.

45 4. The association is not obligated to pay for
46 reconstruction or repairs of property losses as a common expense
47 if the property losses were known or should have been known to a
48 unit owner and were not reported to the association until after

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49 the insurance claim of the association for that property was
50 settled or resolved with finality, or denied because it was
51 untimely filed.

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D I R E C T O R Y A M E N D M E N T

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Remove line 130 and insert:

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Section 2. Paragraph (j) of subsection (11), paragraph (c)
60 of subsection (12), and paragraphs

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

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Remove line 5 and insert:

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718.111, F.S.; limiting condominium property loss that must be
68 reconstructed, repaired, or replaced by the association as a
69 common expense to insurable events; revising the requirement for
70 physical

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