

ATTENTION

IMPORTANT INSURANCE ISSUE

One of our unit owners requested a clarification regarding insurance coverage of the exterior walls (including glass doors and windows) of the units in Oceans Grand.

Article XII of our Declaration of Condominium for Oceans Grand states that “each unit owner shall maintain, repair and replace, at his expense: his unit, and the fixtures, equipment and appliances comprising a part thereof, located therein or exclusively serving the same even if located outside the unit, and including, without limitation, all doors within the unit and those which open from the outside, interior walls and partitions, windows and window apparatus and glass, sliding glass and screen doors, heating and air conditioning equipment within the unit, the air conditioning compressor located outside of the unit, and the ducts, pipes, wirings, controls and other apparatus serving only that unit, even if located outside the unit.”

A recent amendment to the Condominium Act, amending section 718.111(11), Insurance, states at Subparagraph (f):

“Every hazard insurance policy [purchased by the Condominium Association] issued or renewed on or after January 1, 2009, for the purpose of protecting the condominium shall provide primary coverage for:

- 1. All portions of the condominium property as originally installed or replacement of all kinds and quality, in accordance with the original plans and specifications.**
- 2. All alterations or additions made to the condominium property or association property pursuant to s. 718.113(2).**
- 3. The coverage shall exclude all personal property within the unit or limited common elements, and floor, wall and ceiling coverings, electrical fixtures, appliances, water heaters, water filters, built-cabinets and countertops, and window treatments including curtains, drapes, blinds, hardware and similar window treatment components, or replacements of any of the foregoing.”**

As our attorney, John Norton, noted: “ordinarily, the Condominium Act cannot change the Condominium Documents after they have been recorded, and the legislature has limited power to impose new obligations on Associations. In the present case, however, the amendment requiring coverage of all portions of the condominium property as originally installed appears to be within the power of the legislature to require.”

Mr. Norton continues: “the amendment to the Condominium Act requires the Association to insure the repair or replacement of windows. It does not alter the owner’s obligation to maintain the windows, except as the Board has decided to maintain them. The requirement to insure would not apply to windows if they had been defined as limited common elements but windows are not listed as limited common elements.”

The bottom line: the Association is responsible to insure the doors and windows. Since unit owners are also required to have proper insurance, it would be prudent to discuss this issue with your individual agent and have only the necessary coverage.

Note: Scott Bradley, Brown and Brown Insurance, states that we comply since our policy was dated 3/27/2009 and Brown and Brown was aware of the legislation.

**Cliff Fisher, President
Oceans Grand**