

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Goodlette offered the following:

**Amendment (with title amendment)**

Remove line(s) 945-964, and insert:

(1) Certificate of compliance.--There shall be a provision that a certificate of compliance from a licensed electrical contractor or electrician may be accepted by the association's board as evidence of compliance of the condominium units with ~~to~~ the applicable fire and life safety code. Notwithstanding the provisions of chapter 633 or any other code, statute, ordinance, administrative rule, or regulation, or any interpretation of the foregoing, an association, condominium, or unit owner is not obligated to retrofit the common elements or units of a residential condominium with a fire sprinkler system or other engineered life safety system in a building that has been certified for occupancy by the applicable governmental entity, if the unit owners have voted to forego such retrofitting and

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28 engineered life safety system by the affirmative vote of two-  
29 thirds of all voting interests in the affected condominium.  
30 However, a condominium association may not vote to forego the  
31 retrofitting with a fire sprinkler system of common areas in a  
32 high-rise building. For purposes of this subsection, the term  
33 "high-rise building" means a building that is greater than 75  
34 feet in height where the building height is measured from the  
35 lowest level of fire department access to the floor of the  
36 highest occupiable story. For purposes of this subsection, the  
37 term "common areas" means any enclosed hallway, corridor, lobby,  
38 stairwell, or entryway. In no event shall the local authority  
39 having jurisdiction require completion of retrofitting of common  
40 areas with a sprinkler system before the end of 2014.

41 1. A vote to forego retrofitting may not be obtained by  
42 general proxy or limited proxy, but shall be obtained by a vote  
43 personally cast at a duly called membership meeting, or by  
44 execution of a written consent by the member, and shall be  
45 effective upon the recording of a certificate attesting to such  
46 vote in the public records of the county where the condominium  
47 is located. The association shall provide each unit owner  
48 written notice of the vote to forego retrofitting of the  
49 required fire sprinkler system, in at least 16-point bold type,  
50 by certified mail, within 20 days after the association's vote.  
51 After such notice is provided to each owner, a copy of such  
52 notice shall be provided by the current owner to a new owner  
53 prior to closing and shall be provided by a unit owner to a  
54 renter prior to signing a lease.

55 2. As part of the information collected annually from  
56 condominiums, the division shall require condominium

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57 associations to report the membership vote and recording of a  
58 certificate under this subsection and, if retrofitting has been  
59 undertaken, the per-unit cost of such work. The division shall  
60 annually report to the Division of State Fire Marshal of the  
61 Department of Financial Services the number of condominiums that  
62 have elected to forego retrofitting.

63 (3) OPTIONAL PROVISIONS.--The bylaws as originally  
64 recorded or as amended under the procedures provided therein may  
65 provide for the following:

66 (a) A method of adopting and amending administrative rules  
67 and regulations governing the details of the operation and use  
68 of the common elements.

69 (b) Restrictions on and requirements for the use,  
70 maintenance, and appearance of the units and the use of the  
71 common elements.

72 (c) Provisions for giving notice by electronic  
73 transmission in a manner authorized by law of meetings of the  
74 board of directors and committees and of annual and special  
75 meetings of the members.

76 (d)(e) Other provisions which are not inconsistent with  
77 this chapter or with the declaration, as may be desired.

78 Section 7. Subsection (5) is added to section 719.1055,  
79 Florida Statutes, to read:

80 719.1055 Amendment of cooperative documents; alteration  
81 and acquisition of property.--

82 (5) Notwithstanding the provisions of chapter 633 or any  
83 other code statute, ordinance, administrative rule, or  
84 regulation, or any interpretation of the foregoing, a  
85 cooperative or unit owner is not obligated to retrofit the

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86 common elements or units of a residential cooperative with a  
87 fire sprinkler system or other engineered life safety system in  
88 a building that has been certified for occupancy by the  
89 applicable governmental entity, if the unit owners have voted to  
90 forego such retrofitting and engineered life safety system by  
91 the affirmative vote of two-thirds of all voting interests in  
92 the affected cooperative. However, a cooperative may not forego  
93 the retrofitting with a fire sprinkler system of common areas in  
94 a high-rise building. For purposes of this subsection, the term  
95 "high-rise building" means a building that is greater than 75  
96 feet in height where the building height is measured from the  
97 lowest level of fire department access to the floor of the  
98 highest occupiable story. For purposes of this subsection, the  
99 term "common areas" means any enclosed hallway, corridor, lobby,  
100 stairwell, or entryway. In no event shall the local authority  
101 having jurisdiction require completion of retrofitting of common  
102 areas with a sprinkler system before the end of 2014.

103 (a) A vote to forego retrofitting may not be obtained by  
104 general proxy or limited proxy, but shall be obtained by a vote  
105 personally cast at a duly called membership meeting, or by  
106 execution of a written consent by the member, and shall be  
107 effective upon the recording of a certificate attesting to such  
108 vote in the public records of the county where the cooperative  
109 is located. The association shall provide each unit owner  
110 written notice of the vote to forego retrofitting of the  
111 required fire sprinkler system, in at least 16-point bold type,  
112 by certified mail, within 20 days after the association's vote.  
113 After such notice is provided to each owner, a copy of such  
114 notice shall be provided by the current owner to a new owner

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115 prior to closing and shall be provided by a unit owner to a  
116 renter prior to signing a lease.

117 (b) As part of the information collected annually from  
118 cooperatives, the division shall require associations to report  
119 the membership vote and recording of a certificate under this  
120 subsection and, if retrofitting has been undertaken, the per-  
121 unit cost of such work. The division shall annually report to  
122 the Division of State Fire Marshal of the Department of  
123 Financial Services the number of cooperatives that have elected  
124 to forego retrofitting.

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

128 Remove line(s) 45-46, and insert:  
129 exempting certain condominiums, associations, or unit  
130 owners from specified retrofitting requirements pertaining  
131 to fire safety systems; requiring a report; providing for  
132 a vote of the unit owners; requiring the division to  
133 report to the Division of State Fire Marshal of the  
134 Department of Financial Services the number of  
135 condominiums that have elected to forego the retrofitting;  
136 providing for association bylaws to authorize the  
137 electronic transmission of notices; amending s. 719.1055,  
138 F.S.; exempting certain cooperatives and unit owners from  
139 specified retrofitting requirements pertaining to fire  
140 safety; providing for a vote of the unit owners; requiring  
141 the division to report to the Division of State Fire  
142 Marshal of the Department of Financial Services the number

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143 | of cooperatives that have elected to forego retrofitting;  
144 | amending s. 718.116,