

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representatives Culp, Seiler, and Goodlette offered the
2 following:

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4 **Amendment**

5 On page 1, line(s) 24, through page 4, line 30

6 remove: all of said lines

7

8 and insert:

9 718.112 Bylaws.--

10 (2) REQUIRED PROVISIONS.--The bylaws shall provide for the
11 following and, if they do not do so, shall be deemed to include
12 the following:

13 (1) Certificate of compliance.--There shall be a provision
14 that a certificate of compliance from a licensed electrical
15 contractor or electrician may be accepted by the association's
16 board as evidence of compliance of the condominium units with

Amendment No. (for drafter's use only)

17 the applicable fire and life safety code. Notwithstanding the
18 provisions of chapter 633 or of any other code, statute,
19 ordinance, administrative rule, or regulation, or any
20 interpretation of the foregoing, an association, condominium, or
21 unit owner is not obligated to retrofit the common elements or
22 units of a residential condominium with a fire sprinkler system
23 or other engineered lifesafety system in a building that has
24 been certified for occupancy by the applicable governmental
25 entity, if the unit owners have voted to forego such
26 retrofitting and engineered lifesafety system by the affirmative
27 vote of two-thirds of all voting interests in the affected
28 condominium. However, a condominium association may not vote to
29 forego the retrofitting with a fire sprinkler system of common
30 areas in a high-rise building. For purposes of this subsection,
31 the term "high-rise building" means a building that is greater
32 than 75 feet in height where the building height is measured
33 from the lowest level of fire department access to the floor of
34 the highest occupiable story. For purposes of this subsection,
35 the term "common areas" means any enclosed hallway, corridor,
36 lobby, stairwell, or entryway. In no event shall the local
37 authority having jurisdiction require completion of retrofitting
38 of common areas with a sprinkler system before the end of 2014.

39 1. A vote to forego retrofitting may ~~not~~ be obtained by
40 ~~general proxy or limited proxy or by a ballot, but shall be~~
41 ~~obtained by a vote~~ personally cast at a duly called membership
42 meeting, or by execution of a written consent by the member, and
43 shall be effective upon the recording of a certificate attesting
44 to such vote in the public records of the county where the

147819

Amendment No. (for drafter's use only)

45 condominium is located. The association shall mail, hand
46 deliver, or electronically transmit to ~~provide~~ each unit owner
47 written notice at least 14 days prior to such membership meeting
48 that includes a statement that a ~~of the~~ vote to forego
49 retrofitting of the required fire sprinkler system is to take
50 place. Within 30 days after the association's vote, notice of
51 the results of the vote shall be mailed, hand delivered, or
52 electronically transmitted to all unit owners. Evidence of
53 compliance with this 30-day notice requirement shall be made by
54 an affidavit executed by the person providing the notice and
55 filed among the official records of the association, ~~in at least~~
56 ~~16-point bold type, by certified mail, within 20 days after the~~
57 ~~association's vote.~~ After such notice is provided to each owner,
58 a copy of such notice shall be provided by the current owner to
59 a new owner prior to closing and shall be provided by a unit
60 owner to a renter prior to signing a lease.

61 2. As part of the information collected annually from
62 condominiums, the division shall require condominium
63 associations to report the membership vote and recording of a
64 certificate under this subsection and, if retrofitting has been
65 undertaken, the per-unit cost of such work. The division shall
66 annually report to the Division of State Fire Marshal of the
67 Department of Financial Services the number of condominiums that
68 have elected to forego retrofitting.

69 Section 2. Paragraph (a) of subsection (5) of section
70 719.1055, Florida Statutes, is amended to read:

71 719.1055 Amendment of cooperative documents; alteration
72 and acquisition of property.--

147819

Amendment No. (for drafter's use only)

73 (5) Notwithstanding the provisions of chapter 633 or of
74 any other code, statute, ordinance, administrative rule, or
75 regulation, or any interpretation of the foregoing, a
76 cooperative or unit owner is not obligated to retrofit the
77 common elements or units of a residential cooperative with a
78 fire sprinkler system or other engineered life safety system in
79 a building that has been certified for occupancy by the
80 applicable governmental entity, if the unit owners have voted to
81 forego such retrofitting and engineered life safety system by
82 the affirmative vote of two-thirds of all voting interests in
83 the affected cooperative. However, a cooperative may not forego
84 the retrofitting with a fire sprinkler system of common areas in
85 a high-rise building. For purposes of this subsection, the term
86 "high-rise building" means a building that is greater than 75
87 feet in height where the building height is measured from the
88 lowest level of fire department access to the floor of the
89 highest occupiable story. For purposes of this subsection, the
90 term "common areas" means any enclosed hallway, corridor, lobby,
91 stairwell, or entryway. In no event shall the local authority
92 having jurisdiction require completion of retrofitting of common
93 areas with a sprinkler system before the end of 2014.

94 (a) A vote to forego retrofitting may ~~not~~ be obtained by
95 ~~general proxy or limited proxy or by a ballot, but shall be~~
96 ~~obtained by a vote~~ personally cast at a duly called membership
97 meeting, or by execution of a written consent by the member, and
98 shall be effective upon the recording of a certificate attesting
99 to such vote in the public records of the county where the
100 cooperative is located. The association shall mail, hand

147819

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115 owner to a renter prior to signing a lease.