

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Culp offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause, and insert:

5 Section 1. Paragraph (1) of subsection (2) of section

6 718.112, Florida Statutes, is amended to read:

7 718.112 Bylaws.--

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

11 (1) Certificate of compliance.--There shall be a provision
12 that a certificate of compliance from a licensed electrical
13 contractor or electrician may be accepted by the association's
14 board as evidence of compliance of the condominium units with
15 the applicable fire and life safety code. Notwithstanding the
16 provisions of chapter 633 or of any other code, statute,

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

37 1. A vote to forego retrofitting may ~~not~~ be obtained by
38 ~~general proxy or limited proxy or by a ballot, but shall be~~
39 ~~obtained by a vote~~ personally cast at a duly called membership
40 meeting, or by execution of a written consent by the member, and
41 shall be effective upon the recording of a certificate attesting
42 to such vote in the public records of the county where the
43 condominium is located. The association shall mail, hand
44 deliver, or electronically transmit to ~~provide~~ each unit owner

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

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

67 | Section 2. Paragraph (a) of subsection (5) of section
68 | 719.1055, Florida Statutes, is amended to read:

69 | 719.1055 Amendment of cooperative documents; alteration
70 | and acquisition of property.--

71 | (5) Notwithstanding the provisions of chapter 633 or of
72 | any other code, statute, ordinance, administrative rule, or

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

92 (a) A vote to forego retrofitting may ~~not~~ be obtained by
93 ~~general proxy or limited proxy or by a ballot, but shall be~~
94 ~~obtained by a vote~~ personally cast at a duly called membership
95 meeting, or by execution of a written consent by the member, and
96 shall be effective upon the recording of a certificate attesting
97 to such vote in the public records of the county where the
98 cooperative is located. The association shall mail, hand
99 deliver, or electronically transmit to ~~provide~~ each unit owner
100 written notice at least 14 days prior to such membership meeting

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101 that includes a statement that a ~~of the~~ vote to forego
 102 retrofitting of the required fire sprinkler system is to take
 103 place. Within 30 days after the association's vote, notice of
 104 the results of the vote shall be mailed, hand delivered, or
 105 electronically transmitted to all unit owners. Evidence of
 106 compliance with this 30-day notice requirement shall be made by
 107 an affidavit executed by the person providing the notice and
 108 filed among the official records of the association, ~~in at least~~
 109 ~~16-point bold type, by certified mail, within 20 days after the~~
 110 ~~association's vote.~~ After such notice is provided to each owner,
 111 a copy of such notice shall be provided by the current owner to
 112 a new owner prior to closing and shall be provided by a unit
 113 owner to a renter prior to signing a lease.

114 Section 3. This act shall take effect upon becoming a law.

115
116 ===== T I T L E A M E N D M E N T =====

117 Remove the entire title, and insert:

118 A bill to be entitled

119 An act relating to the retrofitting of common areas of
 120 condominiums and cooperatives with fire sprinkler systems;
 121 amending ss. 718.112 and 719.1055, F.S.; revising
 122 notification and voting procedures with respect to any
 123 vote to forego retrofitting of the common areas of
 124 condominiums and cooperatives with fire sprinkler systems;
 125 providing an effective date.