

By Senator Geller

31-1516-04

See HB 747

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A bill to be entitled
An act relating to retrofitting of common areas
of condominiums and cooperatives with fire
sprinkler systems; amending ss. 718.112 and
719.1055, F.S.; revising notification and
voting procedures with respect to any vote to
forego retrofitting of the common areas of
condominiums and cooperatives with fire
sprinkler systems; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (1) of subsection (2) of section
718.112, Florida Statutes, is amended to read:

718.112 Bylaws.--

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

(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 the applicable fire and life safety
code. Notwithstanding the provisions of chapter 633 or of 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
lifesafety system in a building that has been certified for
occupancy by the applicable governmental entity, if the unit

1 owners have voted to forego such retrofitting and engineered
2 lifesafety system by the affirmative vote of two-thirds of all
3 voting interests in the affected condominium. However, a
4 condominium association may not vote to forego the
5 retrofitting with a fire sprinkler system of common areas in a
6 high-rise building. For purposes of this subsection, the term
7 "high-rise building" means a building that is greater than 75
8 feet in height where the building height is measured from the
9 lowest level of fire department access to the floor of the
10 highest occupiable story. For purposes of this subsection, the
11 term "common areas" means any enclosed hallway, corridor,
12 lobby, stairwell, or entryway. In no event shall the local
13 authority having jurisdiction require completion of
14 retrofitting of common areas with a sprinkler system before
15 the end of 2014.

16 1. A vote to forego retrofitting may ~~not~~ be obtained
17 by ~~general proxy or limited proxy or by a ballot, but shall be~~
18 ~~obtained by a vote~~ personally cast at a duly called membership
19 meeting, or by execution of a written consent by the member,
20 and shall be effective upon the recording of a certificate
21 attesting to such vote in the public records of the county
22 where the condominium is located. The association shall mail,
23 hand deliver, or electronically transmit to ~~provide~~ each unit
24 owner written notice at least 14 days prior to such membership
25 meeting in which ~~of~~ the vote to forego retrofitting of the
26 required fire sprinkler system is to take place, ~~in at least~~
27 ~~16-point bold type, by certified mail, within 20 days after~~
28 ~~the association's vote. After such notice is provided to each~~
29 ~~owner, a copy of such notice shall be provided by the current~~
30 ~~owner to a new owner prior to closing and shall be provided by~~
31 ~~a unit owner to a renter prior to signing a lease.~~

1 2. As part of the information collected annually from
2 condominiums, the division shall require condominium
3 associations to report the membership vote and recording of a
4 certificate under this subsection and, if retrofitting has
5 been undertaken, the per-unit cost of such work. The division
6 shall annually report to the Division of State Fire Marshal of
7 the Department of Financial Services the number of
8 condominiums that have elected to forego retrofitting.

9 Section 2. Paragraph (a) of subsection (5) of section
10 719.1055, Florida Statutes, is amended to read:

11 719.1055 Amendment of cooperative documents;
12 alteration and acquisition of property.--

13 (5) Notwithstanding the provisions of chapter 633 or
14 of any other code, statute, ordinance, administrative rule, or
15 regulation, or any interpretation of the foregoing, a
16 cooperative or unit owner is not obligated to retrofit the
17 common elements or units of a residential cooperative with a
18 fire sprinkler system or other engineered life safety system
19 in a building that has been certified for occupancy by the
20 applicable governmental entity, if the unit owners have voted
21 to forego such retrofitting and engineered life safety system
22 by the affirmative vote of two-thirds of all voting interests
23 in the affected cooperative. However, a cooperative may not
24 forego the retrofitting with a fire sprinkler system of common
25 areas in a high-rise building. For purposes of this
26 subsection, the term "high-rise building" means a building
27 that is greater than 75 feet in height where the building
28 height is measured from the lowest level of fire department
29 access to the floor of the highest occupiable story. For
30 purposes of this subsection, the term "common areas" means any
31 enclosed hallway, corridor, lobby, stairwell, or entryway. In

1 no event shall the local authority having jurisdiction require
2 completion of retrofitting of common areas with a sprinkler
3 system before the end of 2014.

4 (a) A vote to forego retrofitting may ~~not~~ be obtained
5 by ~~general proxy or limited proxy or by a ballot, but shall be~~
6 ~~obtained by a vote~~ personally cast at a duly called membership
7 meeting, or by execution of a written consent by the member,
8 and shall be effective upon the recording of a certificate
9 attesting to such vote in the public records of the county
10 where the cooperative is located. The association shall mail,
11 hand deliver, or electronically transmit to provide each unit
12 owner written notice at least 14 days prior to such membership
13 meeting in which ~~of~~ the vote to forego retrofitting of the
14 required fire sprinkler system is to take place, in at least
15 ~~16-point bold type, by certified mail, within 20 days after~~
16 ~~the association's vote. After such notice is provided to each~~
17 ~~owner, a copy of such notice shall be provided by the current~~
18 ~~owner to a new owner prior to closing and shall be provided by~~
19 ~~a unit owner to a renter prior to signing a lease.~~

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

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