

1                                   A bill to be entitled  
 2           An act relating to retrofitting of common areas  
 3           of condominiums and cooperatives with fire  
 4           sprinkler systems; amending ss. 718.112 and  
 5           719.1055, F.S.; revising notification and  
 6           voting procedures with respect to any vote to  
 7           forego retrofitting of the common areas of  
 8           condominiums and cooperatives with fire  
 9           sprinkler systems; providing an effective date.

10

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

12

13           Section 1. Paragraph (1) of subsection (2) of section  
 14 718.112, Florida Statutes, is amended to read:

15           718.112 Bylaws.--

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

19           (1) Certificate of compliance.--There shall be a  
 20 provision that a certificate of compliance from a licensed  
 21 electrical contractor or electrician may be accepted by the  
 22 association's board as evidence of compliance of the  
 23 condominium units with the applicable fire and life safety  
 24 code. Notwithstanding the provisions of chapter 633 or of any  
 25 other code, statute, ordinance, administrative rule, or  
 26 regulation, or any interpretation of the foregoing, an  
 27 association, condominium, or unit owner is not obligated to  
 28 retrofit the common elements or units of a residential  
 29 condominium with a fire sprinkler system or other engineered  
 30 lifesafety system in a building that has been certified for  
 31 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, which notice must include a statement that a ~~of the~~  
26 vote to forego retrofitting of the required fire sprinkler  
27 system is to take place, in at least 16 point bold type, by  
28 ~~certified mail, within 20 days after the association's vote.~~  
29 ~~After such notice is provided to each owner, a copy of such~~  
30 ~~notice shall be provided by the current owner to a new owner~~  
31

1 ~~prior to closing and shall be provided by a unit owner to a~~  
2 ~~renter prior to signing a lease.~~

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

11           Section 2. Paragraph (a) of subsection (5) of section  
12 719.1055, Florida Statutes, is amended to read:

13           719.1055 Amendment of cooperative documents;  
14 alteration and acquisition of property.--

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

1 purposes of this subsection, the term "common areas" means any  
2 enclosed hallway, corridor, lobby, stairwell, or entryway. In  
3 no event shall the local authority having jurisdiction require  
4 completion of retrofitting of common areas with a sprinkler  
5 system before the end of 2014.

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

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