

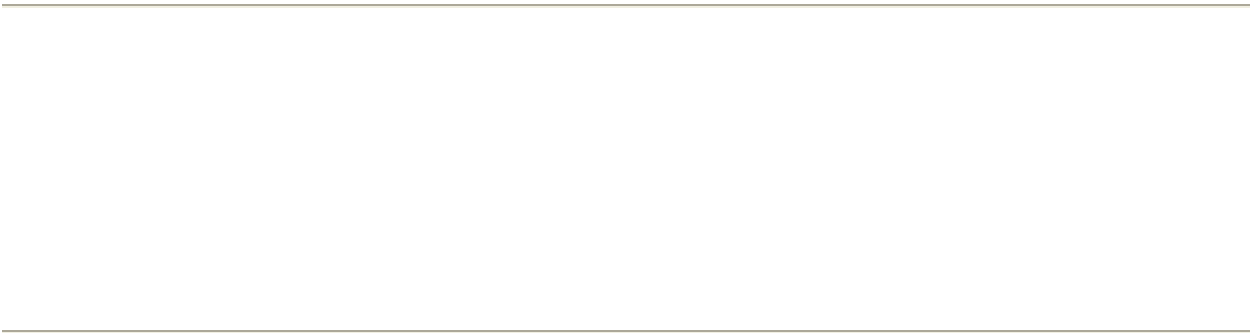
Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Seiler 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. The association shall provide each unit owner written  
49 | notice of the results of the vote to forego retrofitting of the  
50 | required fire sprinkler system, in at least 16-point bold type,  
51 | by certified mail, within 20 days after the association's vote.  
52 | After such notice is provided to each owner, a copy of such  
53 | notice shall be provided by the current owner to a new owner  
54 | prior to closing and shall be provided by a unit owner to a  
55 | renter prior to signing a lease.

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

64 |         Section 2. Paragraph (a) of subsection (5) of section  
65 | 719.1055, Florida Statutes, is amended to read:

66 |         719.1055 Amendment of cooperative documents; alteration  
67 | and acquisition of property.--

68 |         (5) Notwithstanding the provisions of chapter 633 or of  
69 | any other code, statute, ordinance, administrative rule, or  
70 | regulation, or any interpretation of the foregoing, a  
71 | cooperative or unit owner is not obligated to retrofit the  
72 | common elements or units of a residential cooperative with a

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

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

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101 notice of the results of the vote to forego retrofitting of the  
 102 required fire sprinkler system, in at least 16-point bold type,  
 103 by certified mail, within 20 days after the association's vote.  
 104 After such notice is provided to each owner, a copy of such  
 105 notice shall be provided by the current owner to a new owner  
 106 prior to closing and shall be provided by a unit owner to a  
 107 renter prior to signing a lease.

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

109  
110 ===== T I T L E A M E N D M E N T =====

111 Remove the entire title and insert:

112 A bill to be entitled

113 An act relating to the retrofitting of common areas of  
 114 condominiums and cooperatives with fire sprinkler systems;  
 115 amending ss. 718.112 and 719.1055, F.S.; revising  
 116 notification and voting procedures with respect to any  
 117 vote to forego retrofitting of the common areas of  
 118 condominiums and cooperatives with fire sprinkler systems;  
 119 providing an effective date.