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

9

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

11

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

14 718.112 Bylaws.--

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

18 (1) Certificate of compliance.--There shall be a provision
 19 that a certificate of compliance from a licensed electrical
 20 contractor or electrician may be accepted by the association's
 21 board as evidence of compliance of the condominium units with
 22 the applicable fire and life safety code. Notwithstanding the
 23 provisions of chapter 633 or of any other code, statute,
 24 ordinance, administrative rule, or regulation, or any
 25 interpretation of the foregoing, an association, condominium, or
 26 unit owner is not obligated to retrofit the common elements or
 27 units of a residential condominium with a fire sprinkler system
 28 or other engineered lifesafety system in a building that has
 29 been certified for occupancy by the applicable governmental

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30 entity, if the unit owners have voted to forego such
 31 retrofitting and engineered lifesafety system by the affirmative
 32 vote of two-thirds of all voting interests in the affected
 33 condominium. However, a condominium association may not vote to
 34 forego the retrofitting with a fire sprinkler system of common
 35 areas in a high-rise building. For purposes of this subsection,
 36 the term "high-rise building" means a building that is greater
 37 than 75 feet in height where the building height is measured
 38 from the lowest level of fire department access to the floor of
 39 the highest occupiable story. For purposes of this subsection,
 40 the term "common areas" means any enclosed hallway, corridor,
 41 lobby, stairwell, or entryway. In no event shall the local
 42 authority having jurisdiction require completion of retrofitting
 43 of common areas with a sprinkler system before the end of 2014.

44 1. A vote to forego retrofitting may ~~not~~ be obtained by
 45 ~~general proxy or limited proxy or by a ballot, but shall be~~
 46 ~~obtained by a vote personally cast at a duly called membership~~
 47 ~~meeting, or by execution of a written consent by the member, and~~
 48 shall be effective upon the recording of a certificate attesting
 49 to such vote in the public records of the county where the
 50 condominium is located. The association shall mail, hand
 51 deliver, or electronically transmit to ~~provide~~ each unit owner
 52 written notice at least 14 days prior to such membership meeting
 53 in which ~~of~~ the vote to forego retrofitting of the required fire
 54 sprinkler system is to take place, ~~in at least 16-point bold~~
 55 ~~type, by certified mail, within 20 days after the association's~~
 56 ~~vote. After such notice is provided to each owner, a copy of~~
 57 ~~such notice shall be provided by the current owner to a new~~

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

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

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

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

72 (5) Notwithstanding the provisions of chapter 633 or of
 73 any other code, statute, ordinance, administrative rule, or
 74 regulation, or any interpretation of the foregoing, a
 75 cooperative or unit owner is not obligated to retrofit the
 76 common elements or units of a residential cooperative with a
 77 fire sprinkler system or other engineered life safety system in
 78 a building that has been certified for occupancy by the
 79 applicable governmental entity, if the unit owners have voted to
 80 forego such retrofitting and engineered life safety system by
 81 the affirmative vote of two-thirds of all voting interests in
 82 the affected cooperative. However, a cooperative may not forego
 83 the retrofitting with a fire sprinkler system of common areas in
 84 a high-rise building. For purposes of this subsection, the term
 85 "high-rise building" means a building that is greater than 75
 86 feet in height where the building height is measured from the

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87 lowest level of fire department access to the floor of the
 88 highest occupiable story. For purposes of this subsection, the
 89 term "common areas" means any enclosed hallway, corridor, lobby,
 90 stairwell, or entryway. In no event shall the local authority
 91 having jurisdiction require completion of retrofitting of common
 92 areas with a sprinkler system before the end of 2014.

93 (a) A vote to forego retrofitting may ~~not~~ be obtained by
 94 ~~general proxy or limited proxy~~ or by a ballot, ~~but shall be~~
 95 ~~obtained by a vote~~ personally cast at a duly called membership
 96 meeting, or by execution of a written consent by the member, and
 97 shall be effective upon the recording of a certificate attesting
 98 to such vote in the public records of the county where the
 99 cooperative is located. The association shall mail, hand
 100 deliver, or electronically transmit to ~~provide~~ each unit owner
 101 written notice at least 14 days prior to such membership meeting
 102 in which ~~of~~ the vote to forego retrofitting of the required fire
 103 sprinkler system is to take place, ~~in at least 16 point bold~~
 104 ~~type, by certified mail, within 20 days after the association's~~
 105 ~~vote. After such notice is provided to each owner, a copy of~~
 106 ~~such notice shall be provided by the current owner to a new~~
 107 ~~owner prior to closing and shall be provided by a unit owner to~~
 108 ~~a renter prior to signing a lease.~~

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