

HB 747

2004
CS

CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends
2 the following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to retrofitting of common areas of
8 condominiums and cooperatives with fire sprinkler systems;
9 amending ss. 718.112 and 719.1055, F.S.; revising
10 notification and voting procedures with respect to any
11 vote to forego retrofitting of the common areas of
12 condominiums and cooperatives with fire sprinkler systems;
13 providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Paragraph (1) of subsection (2) of section
18 718.112, Florida Statutes, is amended to read:

19 718.112 Bylaws.--

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

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23 | (1) Certificate of compliance.--There shall be a provision
 24 | that a certificate of compliance from a licensed electrical
 25 | contractor or electrician may be accepted by the association's
 26 | board as evidence of compliance of the condominium units with
 27 | the applicable fire and life safety code. Notwithstanding the
 28 | provisions of chapter 633 or of any other code, statute,
 29 | ordinance, administrative rule, or regulation, or any
 30 | interpretation of the foregoing, an association, condominium, or
 31 | unit owner is not obligated to retrofit the common elements or
 32 | units of a residential condominium with a fire sprinkler system
 33 | or other engineered lifesafety system in a building that has
 34 | been certified for occupancy by the applicable governmental
 35 | entity, if the unit owners have voted to forego such
 36 | retrofitting and engineered lifesafety system by the affirmative
 37 | vote of two-thirds of all voting interests in the affected
 38 | condominium. However, a condominium association may not vote to
 39 | forego the retrofitting with a fire sprinkler system of common
 40 | areas in a high-rise building. For purposes of this subsection,
 41 | the term "high-rise building" means a building that is greater
 42 | than 75 feet in height where the building height is measured
 43 | from the lowest level of fire department access to the floor of
 44 | the highest occupiable story. For purposes of this subsection,
 45 | the term "common areas" means any enclosed hallway, corridor,
 46 | lobby, stairwell, or entryway. In no event shall the local
 47 | authority having jurisdiction require completion of retrofitting
 48 | of common areas with a sprinkler system before the end of 2014.

49 | 1. A vote to forego retrofitting may ~~not~~ be obtained by
 50 | ~~general proxy or limited proxy~~ or by a ballot, ~~but shall be~~

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51 ~~obtained by a vote~~ personally cast at a duly called membership
 52 meeting, or by execution of a written consent by the member, and
 53 shall be effective upon the recording of a certificate attesting
 54 to such vote in the public records of the county where the
 55 condominium is located. The association shall mail, hand
 56 deliver, or electronically transmit to ~~provide~~ each unit owner
 57 written notice at least 14 days prior to such membership meeting
 58 that includes a statement that a ~~of the~~ vote to forego
 59 retrofitting of the required fire sprinkler system is to take
 60 place, ~~in at least 16-point bold type, by certified mail, within~~
 61 ~~20 days after the association's vote. After such notice is~~
 62 ~~provided to each owner, a copy of such notice shall be provided~~
 63 ~~by the current owner to a new owner prior to closing and shall~~
 64 ~~be provided by a unit owner to a renter prior to signing a~~
 65 lease.

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

74 Section 2. Paragraph (a) of subsection (5) of section
 75 719.1055, Florida Statutes, is amended to read:

76 719.1055 Amendment of cooperative documents; alteration
 77 and acquisition of property.--

78 (5) Notwithstanding the provisions of chapter 633 or of
 79 any other code, statute, ordinance, administrative rule, or
 80 regulation, or any interpretation of the foregoing, a
 81 cooperative or unit owner is not obligated to retrofit the
 82 common elements or units of a residential cooperative with a
 83 fire sprinkler system or other engineered life safety system in
 84 a building that has been certified for occupancy by the
 85 applicable governmental entity, if the unit owners have voted to
 86 forego such retrofitting and engineered life safety system by
 87 the affirmative vote of two-thirds of all voting interests in
 88 the affected cooperative. However, a cooperative may not forego
 89 the retrofitting with a fire sprinkler system of common areas in
 90 a high-rise building. For purposes of this subsection, the term
 91 "high-rise building" means a building that is greater than 75
 92 feet in height where the building height is measured from the
 93 lowest level of fire department access to the floor of the
 94 highest occupiable story. For purposes of this subsection, the
 95 term "common areas" means any enclosed hallway, corridor, lobby,
 96 stairwell, or entryway. In no event shall the local authority
 97 having jurisdiction require completion of retrofitting of common
 98 areas with a sprinkler system before the end of 2014.

99 (a) A vote to forego retrofitting may ~~not~~ be obtained by
 100 ~~general proxy or limited proxy or by a ballot, but shall be~~
 101 ~~obtained by a vote~~ personally cast at a duly called membership
 102 meeting, or by execution of a written consent by the member, and
 103 shall be effective upon the recording of a certificate attesting
 104 to such vote in the public records of the county where the
 105 cooperative is located. The association shall mail, hand

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106 | deliver, or electronically transmit to ~~provide~~ each unit owner
107 | written notice at least 14 days prior to such membership meeting
108 | that includes a statement that a ~~of the~~ vote to forego
109 | retrofitting of the required fire sprinkler system is to take
110 | place, ~~in at least 16-point bold type, by certified mail, within~~
111 | ~~20 days after the association's vote. After such notice is~~
112 | ~~provided to each owner, a copy of such notice shall be provided~~
113 | ~~by the current owner to a new owner prior to closing and shall~~
114 | ~~be provided by a unit owner to a renter prior to signing a~~
115 | ~~lease.~~

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