

1 (b) Determine whether the condominium property can be
2 safely inhabited or occupied. However, such determination is
3 not conclusive as to any determination of habitability
4 pursuant to the declaration;

5 (c) Mitigate further damage, including preventing or
6 eradicating fungus, mold, or mildew by removing wet drywall,
7 insulation, carpet, cabinetry, or other fixtures, even if the
8 unit owner is obligated by the declaration or law to insure or
9 replace such items, and removing personal property from a unit
10 and storing it on or off-site or disposing of it. Unit owners
11 are responsible for reimbursing the association for such
12 costs;

13 (d) Contract, on behalf of unit owners or owners
14 responsible to reimburse the association, for services for
15 which the owners are otherwise responsible and which are
16 necessary to prevent further damage. Such services include the
17 drying of units, boarding of broken windows or doors, and
18 replacement of damaged air conditioners or air handlers to
19 provide climate control in the units or other portions of the
20 property;

21 (e) Implement a disaster plan prior to, during, or
22 after a catastrophic event, including shutting down elevators,
23 electricity, water, sewer, security systems, or air
24 conditioners;

25 (f) Appoint persons who are not directors or officers
26 to act as agents for or assist any director or officer due to
27 incapacity or unavailability. Such agents have the same
28 authority during the emergency as the person to whom they are
29 appointed to act for or assist;

30 (g) Relocate the principal office or designate
31 alternative principal offices;

- 1 (h) Conduct board meetings with notice given only to
2 directors with whom it is practicable to communicate. Such
3 notice may be given in any practicable manner, including
4 publication or radio. The directors attending such meetings
5 constitute a quorum, regardless of any other quorum
6 requirements. Notice of board decisions may be communicated by
7 posted signs, mailed notice to members, Internet postings,
8 public service announcements, or any other means of
9 communication which the board deems reasonable under the
10 circumstances;
- 11 (i) Cancel and reschedule any association meeting;
- 12 (j) Suspend or modify notice requirements for board or
13 unit owner meetings;
- 14 (k) Use reserve funds for nonscheduled purposes,
15 including pledging reserve funds as collateral for loans to
16 meet association needs;
- 17 (l) Levy special assessments; or
- 18 (m) Borrow money and pledge association assets as
19 collateral without unit owner approval. This paragraph does
20 not limit the general authority of the association to borrow
21 money, which may be exercised by the board pursuant to the
22 declaration, articles, or bylaws.
- 23 (2) As used in this section, the term "catastrophic
24 emergency" means:
- 25 (a) A state of emergency declared by civil or law
26 enforcement authorities is in effect for the areas where the
27 condominium is located;
- 28 (b) A hurricane watch or warning is in effect for the
29 area where the condominium is located;
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1 (c) A partial or complete evacuation order from civil
2 or law enforcement authorities is in effect for the area where
3 the condominium is located;

4 (d) The area where the condominium is located is
5 declared a state or federal disaster area or is eligible for
6 state or federal economic relief because of a disaster; or

7 (e) A disaster or other event, whether natural or
8 manmade, such as an earthquake, flood, tidal wave or surge,
9 hurricane, tornado, environmental contamination, fire,
10 explosion, war, civil unrest, or act of terrorism seriously
11 damages, or threatens to seriously damage, the condominium
12 property.

13 (3) Acts by the board taken in good faith during a
14 catastrophic emergency bind the association and create a
15 rebuttable presumption of being reasonable and necessary. Any
16 officer, director, agent, or employee of the association who
17 acts with a reasonable belief that such actions comply with
18 this section is immune from civil liability for such act,
19 except in the case of willful misconduct.

20 Section 2. Paragraph (1) of subsection (2) of section
21 718.112, Florida Statutes, is amended to read:

22 718.112 Bylaws.--

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

26 (1) Certificate of compliance.--There shall be a
27 provision that a certificate of compliance from a licensed
28 electrical contractor or electrician may be accepted by the
29 association's board as evidence of compliance of the
30 condominium units with the applicable fire and life safety
31 code. Notwithstanding the provisions of chapter 633 or of any

1 | other code, statute, ordinance, administrative rule, or
2 | regulation, or any interpretation of the foregoing, an
3 | association, condominium, or unit owner is not obligated to
4 | retrofit the common elements or units of a residential
5 | condominium with a fire sprinkler system or other engineered
6 | lifesafety system in a building that has been certified for
7 | occupancy by the applicable governmental entity, if the unit
8 | owners have voted to forego such retrofitting and engineered
9 | lifesafety system by the affirmative vote of two-thirds of all
10 | voting interests in the affected condominium. However, a
11 | condominium association may not vote to forego the
12 | retrofitting with a fire sprinkler system of common areas in a
13 | high-rise building. For purposes of this subsection, the term
14 | "high-rise building" means a building that is greater than 75
15 | feet in height where the building height is measured from the
16 | lowest level of fire department access to the floor of the
17 | highest occupiable story. For purposes of this subsection, the
18 | term "common areas" means any enclosed hallway, corridor,
19 | lobby, stairwell, or entryway. In no event shall the local
20 | authority having jurisdiction require completion of
21 | retrofitting of common areas with a sprinkler system before
22 | the end of 2020 ~~2014~~.

23 | 1. A vote to forego retrofitting may be obtained by
24 | limited proxy or by a ballot personally cast at a duly called
25 | membership meeting, or by execution of a written consent by
26 | the member, and shall be effective upon the recording of a
27 | certificate attesting to such vote in the public records of
28 | the county where the condominium is located. The association
29 | shall mail, hand deliver, or electronically transmit to each
30 | unit owner written notice at least 14 days prior to such
31 | membership meeting in which the vote to forego retrofitting of

1 | the required fire sprinkler system is to take place. Within 30
2 | days after the association's opt-out vote, notice of the
3 | results of the opt-out vote shall be mailed, hand delivered,
4 | or electronically transmitted to all unit owners. Evidence of
5 | compliance with this 30-day notice shall be made by an
6 | affidavit executed by the person providing the notice and
7 | filed among the official records of the association. After
8 | such notice is provided to each owner, a copy of such notice
9 | shall be provided by the current owner to a new owner prior to
10 | closing and shall be provided by a unit owner to a renter
11 | prior to signing a lease.

12 | 2. As part of the information collected annually from
13 | condominiums, the division shall require condominium
14 | associations to report the membership vote and recording of a
15 | certificate under this subsection and, if retrofitting has
16 | been undertaken, the per-unit cost of such work. The division
17 | shall annually report to the Division of State Fire Marshal of
18 | the Department of Financial Services the number of
19 | condominiums that have elected to forego retrofitting.

20 | Section 3. Section 712.11, Florida Statutes, is
21 | created to read:

22 | 712.11 Covenant restrictions.--A homeowners'
23 | association that is not otherwise subject to chapter 720 may
24 | use the procedures provided in ss. 720.403-720.407 to revive a
25 | declaration of covenants and restrictions which were
26 | extinguished pursuant to this chapter.

27 | Section 4. This act shall take effect upon becoming a
28 | law.

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SENATE SUMMARY

Authorizes a condominium association board to exercise specific emergency powers during an emergency created by a catastrophic event. Provides immunity for acts taken by the board in good faith. Extends a period in which common areas are not required to be retrofitted with sprinkler systems. Provides for certain homeowners' associations to revive declarations that have been extinguished.