

HB 1297

2009

1 A bill to be entitled
2 An act relating to building safety; amending s. 633.025,
3 F.S.; exempting existing buildings from minimum firesafety
4 codes until a specified date; exempting owners of certain
5 apartment buildings or condominiums from a requirement to
6 install a fire alarm system; amending s. 718.1085, F.S.;
7 extending until 2016 a provision prohibiting local
8 authorities having jurisdiction from requiring the
9 retrofitting of condominium common areas with handrails
10 and guardrails; providing an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:
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14 Section 1. Subsections (6) and (7) of section 633.025,
15 Florida Statutes, are amended, and subsection (11) is added to
16 that section, to read:

17 633.025 Minimum firesafety standards.--

18 (6) With regard to existing buildings, the Legislature
19 recognizes that it is not always practical to apply any or all
20 of the provisions of the minimum firesafety code and that
21 physical limitations may require disproportionate effort or
22 expense with little increase in lifesafety. Prior to applying
23 the minimum firesafety code to an existing building, the local
24 fire official shall determine that a threat to lifesafety or
25 property exists. If a threat to lifesafety or property exists,
26 the fire official shall apply the applicable firesafety code for
27 existing buildings to the extent practical to assure a
28 reasonable degree of lifesafety and safety of property or the

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29 fire official shall fashion a reasonable alternative which
30 affords an equivalent degree of lifesafety and safety of
31 property. The decision of the local fire official may be
32 appealed to the local administrative board described in s.
33 553.73. Buildings in existence on July 1, 2009, may not be
34 required to comply with any provision of the minimum firesafety
35 code prior to December 31, 2016.

36 (7) Nothing herein shall preclude a municipality, county,
37 or special district from requiring a structure to be maintained
38 in accordance with the applicable firesafety code. However,
39 buildings in existence on July 1, 2009, are exempt to the extent
40 provided in subsections (6) and (11).

41 (11) The standards established by s. 31.3.4.1.1 of the
42 National Fire Protection Association (NFPA) 101, Life Safety
43 Code, 2007 edition, do not apply to structures that have direct
44 access to the outside from each living unit or that are three or
45 fewer stories in height.

46 Section 2. Section 1. Section 718.1085, Florida Statutes,
47 is amended to read:

48 718.1085 Certain regulations not to be retroactively
49 applied.--Notwithstanding the provisions of chapter 633 or of
50 any other code, statute, ordinance, administrative rule, or
51 regulation, or any interpretation thereof, an association,
52 condominium, or unit owner is not obligated to retrofit the
53 common elements or units of a residential condominium that meets
54 the definition of "housing for older persons" in s.

55 760.29(4)(b)3. to comply with requirements relating to handrails
56 and guardrails if the unit owners have voted to forego such

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57 retrofitting by the affirmative vote of two-thirds of all voting
58 interests in the affected condominium. However, a condominium
59 association may not vote to forego the retrofitting in common
60 areas in a high-rise building. For the purposes of this section,
61 the term "high-rise building" means a building that is greater
62 than 75 feet in height where the building height is measured
63 from the lowest level of fire department access to the floor of
64 the highest occupiable level. For the purposes of this section,
65 the term "common areas" means stairwells and exposed, outdoor
66 walkways and corridors. In no event shall the local authority
67 having jurisdiction require retrofitting of common areas with
68 handrails and guardrails before the end of 2016 ~~2014~~.

69 (1) A vote to forego retrofitting may not be obtained by
70 general proxy or limited proxy, but shall be obtained by a vote
71 personally cast at a duly called membership meeting, or by
72 execution of a written consent by the member, and shall be
73 effective upon the recording of a certificate attesting to such
74 vote in the public records of the county where the condominium
75 is located. The association shall provide each unit owner
76 written notice of the vote to forego retrofitting of the
77 required handrails or guardrails, or both, in at least 16-point
78 bold type, by certified mail, within 20 days after the
79 association's vote. After such notice is provided to each owner,
80 a copy of such notice shall be provided by the current owner to
81 a new owner prior to closing and shall be provided by a unit
82 owner to a renter prior to signing a lease.

83 (2) As part of the information collected annually from
84 condominiums, the division shall require condominium

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85 | associations to report the membership vote and recording of a
86 | certificate under this subsection and, if retrofitting has been
87 | undertaken, the per-unit cost of such work. The division shall
88 | annually report to the Division of State Fire Marshal of the
89 | Department of Financial Services the number of condominiums that
90 | have elected to forego retrofitting.

91 | Section 3. This act shall take effect July 1, 2009.