

1                   A bill to be entitled  
2           An act relating to condominiums; creating s. 627.714,  
3           F.S.; requiring coverage under a condominium unit owner's  
4           policy to include a specified amount of loss-assessment  
5           coverage; amending s. 718.111, F.S.; requiring coverage  
6           for certain personal property to be the responsibility of  
7           the condominium unit owner under certain circumstances;  
8           revising board meeting notice requirements; requiring  
9           insurance policies issued or renewed on or after a  
10          specified date to conform to specified loss-assessment  
11          coverage requirements; revising and deleting provisions  
12          relating to hazard or casualty insurance coverage  
13          requirements, to conform; deleting a provision requiring  
14          the condominium association to be an additional named  
15          insured and loss payee on all casualty insurance policies  
16          issued to unit owners in the condominium operated by the  
17          association; amending s. 718.112, F.S.; revising  
18          requirements for the reappointment of certain board  
19          members; revising board eligibility requirements; revising  
20          notice requirements for board candidates; extending a  
21          period in which condominium common areas do not have to be  
22          retrofitted with sprinkler systems; providing that certain  
23          directors and officers delinquent in the payment of any  
24          fee, fine, or regular or special assessments shall be  
25          deemed to have abandoned their office; providing an  
26          effective date.

27  
28   Be It Enacted by the Legislature of the State of Florida:

29  
30 Section 1. Section 627.714, Florida Statutes, is created  
31 to read:

32 627.714 Condominium unit owner's coverage; loss-assessment  
33 coverage required.--For policies issued or renewed on or after  
34 October 1, 2009, coverage under a condominium unit owner's  
35 policy shall include loss-assessment coverage of at least  
36 \$2,000. The loss-assessment coverage shall cover the unit  
37 owner's share of the master policy deductible and the unit  
38 owner's share of an assessment against all condominium unit  
39 owners by the association, up to the limit of liability in  
40 effect at the time of the loss that results in the assessment.  
41 At a minimum, the loss-assessment coverage must cover  
42 assessments for a loss to property for a peril insured by the  
43 association.

44 Section 2. Paragraphs (a), (b), (c), (d), (f), (g), (j),  
45 and (n) of subsection (11) of section 718.111, Florida Statutes,  
46 are amended to read:

47 718.111 The association.--

48 (11) INSURANCE.--In order to protect the safety, health,  
49 and welfare of the people of the State of Florida and to ensure  
50 consistency in the provision of insurance coverage to  
51 condominiums and their unit owners, this subsection applies to  
52 every residential condominium in the state, regardless of the  
53 date of its declaration of condominium. It is the intent of the  
54 Legislature to encourage lower or stable insurance premiums for  
55 associations described in this subsection.

56 (a) Adequate property hazard insurance, regardless of any  
57 requirement in the declaration of condominium for coverage by  
58 the association for full insurable value, replacement cost, or  
59 similar coverage, shall be based upon the replacement cost of  
60 the property to be insured as determined by an independent  
61 insurance appraisal or update of a prior appraisal. The  
62 replacement cost ~~full insurable value~~ shall be determined at  
63 least once every 36 months.

64 1. An association or group of associations may provide  
65 adequate property hazard insurance through a self-insurance fund  
66 that complies with the requirements of ss. 624.460-624.488.

67 2. The association may also provide adequate property  
68 ~~hazard~~ insurance coverage for a group of no fewer than three  
69 communities created and operating under this chapter, chapter  
70 719, chapter 720, or chapter 721 by obtaining and maintaining  
71 for such communities insurance coverage sufficient to cover an  
72 amount equal to the probable maximum loss for the communities  
73 for a 250-year windstorm event. Such probable maximum loss must  
74 be determined through the use of a competent model that has been  
75 accepted by the Florida Commission on Hurricane Loss Projection  
76 Methodology. No policy or program providing such coverage shall  
77 be issued or renewed after July 1, 2008, unless it has been  
78 reviewed and approved by the Office of Insurance Regulation. The  
79 review and approval shall include approval of the policy and  
80 related forms pursuant to ss. 627.410 and 627.411, approval of  
81 the rates pursuant to s. 627.062, a determination that the loss  
82 model approved by the commission was accurately and  
83 appropriately applied to the insured structures to determine the

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84 250-year probable maximum loss, and a determination that  
85 complete and accurate disclosure of all material provisions is  
86 provided to condominium unit owners prior to execution of the  
87 agreement by a condominium association.

88 3. When determining the adequate amount of property hazard ~~hazard~~  
89 insurance coverage, the association may consider deductibles as  
90 determined by this subsection.

91 (b) If an association is a developer-controlled  
92 association, the association shall exercise its best efforts to  
93 obtain and maintain insurance as described in paragraph (a).  
94 Failure to obtain and maintain adequate property hazard ~~hazard~~  
95 insurance during any period of developer control constitutes a  
96 breach of fiduciary responsibility by the developer-appointed  
97 members of the board of directors of the association, unless the  
98 members can show that despite such failure, they have made their  
99 best efforts to maintain the required coverage.

100 (c) Policies may include deductibles as determined by the  
101 board.

102 1. The deductibles shall be consistent with industry  
103 standards and prevailing practice for communities of similar  
104 size and age, and having similar construction and facilities in  
105 the locale where the condominium property is situated.

106 2. The deductibles may be based upon available funds,  
107 including reserve accounts, or predetermined assessment  
108 authority at the time the insurance is obtained.

109 3. The board may ~~shall~~ establish the amount of deductibles  
110 based upon the level of available funds and predetermined  
111 assessment authority at a meeting of the board. Such meeting

112 shall be open to all unit owners in the manner set forth in s.  
 113 718.112(2)(e). ~~The notice of such meeting must state the~~  
 114 ~~proposed deductible and the available funds and the assessment~~  
 115 ~~authority relied upon by the board and estimate any potential~~  
 116 ~~assessment amount against each unit, if any. The meeting~~  
 117 ~~described in this paragraph may be held in conjunction with a~~  
 118 ~~meeting to consider the proposed budget or an amendment thereto.~~

119 (d) An association controlled by unit owners operating as  
 120 a residential condominium shall use its best efforts to obtain  
 121 and maintain adequate property insurance to protect the  
 122 association, the association property, the common elements, and  
 123 the condominium property that is required to be insured by the  
 124 association pursuant to this subsection.

125 (f) Every property ~~hazard~~ insurance policy issued or  
 126 renewed on or after January 1, 2009, for the purpose of  
 127 protecting the condominium shall:

128 1. Provide primary coverage for:

129 ~~a.1.~~ All portions of the condominium property as  
 130 originally installed or replacement of like kind and quality, in  
 131 accordance with the original plans and specifications.

132 ~~b.2.~~ All alterations or additions made to the condominium  
 133 property or association property by the association pursuant to  
 134 s. 718.113(2).

135 ~~2.3.~~ ~~The coverage shall~~ Exclude all personal property  
 136 within the unit or limited common elements, and floor, wall, and  
 137 ceiling coverings, electrical fixtures, appliances, water  
 138 heaters, water filters, built-in cabinets and countertops, and  
 139 window treatments, including curtains, drapes, blinds, hardware,

140 and similar window treatment components, or replacements of any  
 141 of the foregoing. Such property and any insurance therefor shall  
 142 be the responsibility of the unit owner, if required by this  
 143 subsection.

144 (g) A condominium unit owner's policy issued after October  
 145 1, 2009, shall conform to the requirements of s. 627.714. Every  
 146 ~~hazard insurance policy issued or renewed on or after January 1,~~  
 147 ~~2009, to an individual unit owner must contain a provision~~  
 148 ~~stating that the coverage afforded by such policy is excess~~  
 149 ~~coverage over the amount recoverable under any other policy~~  
 150 ~~covering the same property. Such policies must include special~~  
 151 ~~assessment coverage of no less than \$2,000 per occurrence. An~~  
 152 ~~insurance policy issued to an individual unit owner providing~~  
 153 ~~such coverage does not provide rights of subrogation against the~~  
 154 ~~condominium association operating the condominium in which such~~  
 155 ~~individual's unit is located.~~

156 ~~1. All improvements or additions to the condominium~~  
 157 ~~property that benefit fewer than all unit owners shall be~~  
 158 ~~insured by the unit owner or owners having the use thereof, or~~  
 159 ~~may be insured by the association at the cost and expense of the~~  
 160 ~~unit owners having the use thereof.~~

161 ~~1.2.~~ If the declaration of condominium, articles of  
 162 incorporation, or bylaws provide, the association may shall  
 163 require each owner to provide evidence of a currently effective  
 164 policy of property hazard and liability insurance upon request,  
 165 but not more than once per year. Upon the failure of an owner to  
 166 provide a certificate of insurance issued by an insurer approved  
 167 to write such insurance in this state within 30 days after the

168 date on which a written request is delivered, the association  
 169 may purchase a policy of insurance on behalf of an owner. The  
 170 cost of such a policy, together with reconstruction costs  
 171 undertaken by the association but which are the responsibility  
 172 of the unit owner, may be collected in the manner provided for  
 173 the collection of assessments in s. 718.116.

174 ~~2.3.~~ All reconstruction work after a property ~~casualty~~  
 175 loss shall be undertaken by the association except as otherwise  
 176 authorized in this section. A unit owner may undertake  
 177 reconstruction work on portions of the unit with the prior  
 178 written consent of the board of administration. However, such  
 179 work may be conditioned upon the approval of the repair methods,  
 180 the qualifications of the proposed contractor, or the contract  
 181 that is used for that purpose. A unit owner shall obtain all  
 182 required governmental permits and approvals prior to commencing  
 183 reconstruction.

184 ~~3.4.~~ Unit owners are responsible for the cost of  
 185 reconstruction of any portions of the condominium property for  
 186 which the unit owner is required to carry property ~~casualty~~  
 187 insurance, and any such reconstruction work undertaken by the  
 188 association shall be chargeable to the unit owner and  
 189 enforceable as an assessment pursuant to s. 718.116. ~~The~~  
 190 ~~association must be an additional named insured and loss payee~~  
 191 ~~on all casualty insurance policies issued to unit owners in the~~  
 192 ~~condominium operated by the association.~~

193 ~~4.5.~~ A multicondominium association may elect, by a  
 194 majority vote of the collective members of the condominiums  
 195 operated by the association, to operate such condominiums as a

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196 single condominium for purposes of insurance matters, including,  
197 but not limited to, the purchase of the property hazard  
198 insurance required by this section and the apportionment of  
199 deductibles and damages in excess of coverage. The election to  
200 aggregate the treatment of insurance premiums, deductibles, and  
201 excess damages constitutes an amendment to the declaration of  
202 all condominiums operated by the association, and the costs of  
203 insurance shall be stated in the association budget. The  
204 amendments shall be recorded as required by s. 718.110.

205 (j) Any portion of the condominium property required to be  
206 insured by the association against property casualty loss  
207 pursuant to paragraph (f) which is damaged ~~by casualty~~ shall be  
208 reconstructed, repaired, or replaced as necessary by the  
209 association as a common expense. All property hazard insurance  
210 deductibles, uninsured losses, and other damages in excess of  
211 property hazard insurance coverage under the property hazard  
212 insurance policies maintained by the association are a common  
213 expense of the condominium, except that:

214 1. A unit owner is responsible for the costs of repair or  
215 replacement of any portion of the condominium property not paid  
216 by insurance proceeds, if such damage is caused by intentional  
217 conduct, negligence, or failure to comply with the terms of the  
218 declaration or the rules of the association by a unit owner, the  
219 members of his or her family, unit occupants, tenants, guests,  
220 or invitees, without compromise of the subrogation rights of any  
221 insurer as set forth in paragraph (g).

222 2. The provisions of subparagraph 1. regarding the  
223 financial responsibility of a unit owner for the costs of



224 repairing or replacing other portions of the condominium  
225 property also apply to the costs of repair or replacement of  
226 personal property of other unit owners or the association, as  
227 well as other property, whether real or personal, which the unit  
228 owners are required to insure under paragraph (g).

229 3. To the extent the cost of repair or reconstruction for  
230 which the unit owner is responsible under this paragraph is  
231 reimbursed to the association by insurance proceeds, and, to the  
232 extent the association has collected the cost of such repair or  
233 reconstruction from the unit owner, the association shall  
234 reimburse the unit owner without the waiver of any rights of  
235 subrogation.

236 4. The association is not obligated to pay for repair or  
237 reconstruction or repairs of property ~~casualty~~ losses as a  
238 common expense if the property ~~casualty~~ losses were known or  
239 should have been known to a unit owner and were not reported to  
240 the association until after the insurance claim of the  
241 association for that property ~~casualty~~ was settled or resolved  
242 with finality, or denied on the basis that it was untimely  
243 filed.

244 (n) The association is not obligated to pay for any  
245 reconstruction or repair expenses due to property ~~casualty~~ loss  
246 to any improvements installed by a current or former owner of  
247 the unit or by the developer if the improvement benefits only  
248 the unit for which it was installed and is not part of the  
249 standard improvements installed by the developer on all units as  
250 part of original construction, whether or not such improvement  
251 is located within the unit. This paragraph does not relieve any

252 party of its obligations regarding recovery due under any  
 253 insurance implemented specifically for any such improvements.

254 Section 3. Paragraphs (d), (l), and (n) of subsection (2)  
 255 of section 718.112, Florida Statutes, are amended to read:

256 718.112 Bylaws.--

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

260 (d) Unit owner meetings.--

261 1. There shall be an annual meeting of the unit owners  
 262 held at the location provided in the association bylaws and, if  
 263 the bylaws are silent as to the location, the meeting shall be  
 264 held within 45 miles of the condominium property. However, such  
 265 distance requirement does not apply to an association governing  
 266 a timeshare condominium. Unless the bylaws provide otherwise, a  
 267 vacancy on the board caused by the expiration of a director's  
 268 term shall be filled by electing a new board member, and the  
 269 election shall be by secret ballot; however, if the number of  
 270 vacancies equals ~~or exceeds~~ the number of candidates, no  
 271 election is required. The terms of all members of the board  
 272 shall expire at the annual meeting and such board members may  
 273 stand for reelection unless otherwise permitted by the bylaws.  
 274 In the event that the bylaws permit staggered terms of no more  
 275 than 2 years and upon approval of a majority of the total voting  
 276 interests, the association board members may serve 2-year  
 277 staggered terms. If the number ~~no person is interested in or~~  
 278 ~~demonstrates an intention to run for the position of a board~~  
 279 members ~~member~~ whose terms have ~~term has~~ expired according to

280 | the provisions of this subparagraph exceeds the number of  
 281 | eligible members showing interest in or demonstrating an  
 282 | intention to run for the vacant positions, each ~~such~~ board  
 283 | member whose term has expired shall become eligible for  
 284 | reappointment ~~be automatically reappointed~~ to the board of  
 285 | administration and need not stand for reelection. In a  
 286 | condominium association of more than 10 units, coowners or co-  
 287 | occupants of a unit may not serve as members of the board of  
 288 | directors at the same time unless they own more than one unit.  
 289 | Any unit owner desiring to be a candidate for board membership  
 290 | shall comply with subparagraph 3. A person who has been  
 291 | suspended or removed by the division under this chapter, or who  
 292 | is delinquent in the payment of any fee, fine, or special or  
 293 | regular assessment as provided in paragraph (n), is not eligible  
 294 | for board membership. A person who has been convicted of any  
 295 | felony in this state or in a United States District or  
 296 | Territorial Court, or who has been convicted of any offense in  
 297 | another jurisdiction that would be considered a felony if  
 298 | committed in this state, is not eligible for board membership  
 299 | unless such felon's civil rights have been restored for a period  
 300 | of no less than 5 years as of the date on which such person  
 301 | seeks election to the board. The validity of an action by the  
 302 | board is not affected if it is later determined that a member of  
 303 | the board is ineligible for board membership due to having been  
 304 | convicted of a felony.

305 |         2. The bylaws shall provide the method of calling meetings  
 306 | of unit owners, including annual meetings. Written notice, which  
 307 | notice must include an agenda, shall be mailed, hand delivered,

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308 | or electronically transmitted to each unit owner at least 14  
309 | days prior to the annual meeting and shall be posted in a  
310 | conspicuous place on the condominium property at least 14  
311 | continuous days preceding the annual meeting. Upon notice to the  
312 | unit owners, the board shall by duly adopted rule designate a  
313 | specific location on the condominium property or association  
314 | property upon which all notices of unit owner meetings shall be  
315 | posted; however, if there is no condominium property or  
316 | association property upon which notices can be posted, this  
317 | requirement does not apply. In lieu of or in addition to the  
318 | physical posting of notice of any meeting of the unit owners on  
319 | the condominium property, the association may, by reasonable  
320 | rule, adopt a procedure for conspicuously posting and repeatedly  
321 | broadcasting the notice and the agenda on a closed-circuit cable  
322 | television system serving the condominium association. However,  
323 | if broadcast notice is used in lieu of a notice posted  
324 | physically on the condominium property, the notice and agenda  
325 | must be broadcast at least four times every broadcast hour of  
326 | each day that a posted notice is otherwise required under this  
327 | section. When broadcast notice is provided, the notice and  
328 | agenda must be broadcast in a manner and for a sufficient  
329 | continuous length of time so as to allow an average reader to  
330 | observe the notice and read and comprehend the entire content of  
331 | the notice and the agenda. Unless a unit owner waives in writing  
332 | the right to receive notice of the annual meeting, such notice  
333 | shall be hand delivered, mailed, or electronically transmitted  
334 | to each unit owner. Notice for meetings and notice for all other  
335 | purposes shall be mailed to each unit owner at the address last

336 furnished to the association by the unit owner, or hand  
 337 delivered to each unit owner. However, if a unit is owned by  
 338 more than one person, the association shall provide notice, for  
 339 meetings and all other purposes, to that one address which the  
 340 developer initially identifies for that purpose and thereafter  
 341 as one or more of the owners of the unit shall so advise the  
 342 association in writing, or if no address is given or the owners  
 343 of the unit do not agree, to the address provided on the deed of  
 344 record. An officer of the association, or the manager or other  
 345 person providing notice of the association meeting, shall  
 346 provide an affidavit or United States Postal Service certificate  
 347 of mailing, to be included in the official records of the  
 348 association affirming that the notice was mailed or hand  
 349 delivered, in accordance with this provision.

350 3. The members of the board shall be elected by written  
 351 ballot or voting machine. Proxies shall in no event be used in  
 352 electing the board, either in general elections or elections to  
 353 fill vacancies caused by recall, resignation, or otherwise,  
 354 unless otherwise provided in this chapter. Not less than 60 days  
 355 before a scheduled election, the association shall mail,  
 356 deliver, or electronically transmit, whether by separate  
 357 association mailing or included in another association mailing,  
 358 delivery, or transmission, including regularly published  
 359 newsletters, to each unit owner entitled to a vote, a first  
 360 notice of the date of the election ~~along with a certification~~  
 361 ~~form provided by the division attesting that he or she has read~~  
 362 ~~and understands, to the best of his or her ability, the~~  
 363 ~~governing documents of the association and the provisions of~~

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364 ~~this chapter and any applicable rules.~~ Any unit owner or other  
365 eligible person desiring to be a candidate for the board must  
366 give written notice of intent to be a candidate to the  
367 association not less than 40 days before a scheduled election.  
368 Together with the written notice and agenda as set forth in  
369 subparagraph 2., the association shall mail, deliver, or  
370 electronically transmit a second notice of the election to all  
371 unit owners entitled to vote therein, together with a ballot  
372 which shall list all candidates. Upon request of a candidate,  
373 ~~the association shall include~~ an information sheet, no larger  
374 than 8 1/2 ~~8 1/2~~ inches by 11 inches, which must be furnished by  
375 the candidate not less than 35 days before the election, shall  
376 ~~along with the signed certification form provided for in this~~  
377 ~~subparagraph,~~ to be included with the mailing, delivery, or  
378 transmission of the ballot, with the costs of mailing, delivery,  
379 or electronic transmission and copying to be borne by the  
380 association. The association is not liable for the contents of  
381 the information sheets prepared by the candidates. In order to  
382 reduce costs, the association may print or duplicate the  
383 information sheets on both sides of the paper. The division  
384 shall by rule establish voting procedures consistent with the  
385 provisions contained herein, including rules establishing  
386 procedures for giving notice by electronic transmission and  
387 rules providing for the secrecy of ballots. Elections shall be  
388 decided by a plurality of those ballots cast. There shall be no  
389 quorum requirement; however, at least 20 percent of the eligible  
390 voters must cast a ballot in order to have a valid election of  
391 members of the board. No unit owner shall permit any other

392 person to vote his or her ballot, and any such ballots  
393 improperly cast shall be deemed invalid, provided any unit owner  
394 who violates this provision may be fined by the association in  
395 accordance with s. 718.303. A unit owner who needs assistance in  
396 casting the ballot for the reasons stated in s. 101.051 may  
397 obtain assistance in casting the ballot. The regular election  
398 shall occur on the date of the annual meeting. The provisions of  
399 this subparagraph shall not apply to timeshare condominium  
400 associations. Notwithstanding the provisions of this  
401 subparagraph, an election is not required unless more candidates  
402 file notices of intent to run or are nominated than board  
403 vacancies exist.

404 4. Any approval by unit owners called for by this chapter  
405 or the applicable declaration or bylaws, including, but not  
406 limited to, the approval requirement in s. 718.111(8), shall be  
407 made at a duly noticed meeting of unit owners and shall be  
408 subject to all requirements of this chapter or the applicable  
409 condominium documents relating to unit owner decisionmaking,  
410 except that unit owners may take action by written agreement,  
411 without meetings, on matters for which action by written  
412 agreement without meetings is expressly allowed by the  
413 applicable bylaws or declaration or any statute that provides  
414 for such action.

415 5. Unit owners may waive notice of specific meetings if  
416 allowed by the applicable bylaws or declaration or any statute.  
417 If authorized by the bylaws, notice of meetings of the board of  
418 administration, unit owner meetings, except unit owner meetings  
419 called to recall board members under paragraph (j), and

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420 committee meetings may be given by electronic transmission to  
421 unit owners who consent to receive notice by electronic  
422 transmission.

423 6. Unit owners shall have the right to participate in  
424 meetings of unit owners with reference to all designated agenda  
425 items. However, the association may adopt reasonable rules  
426 governing the frequency, duration, and manner of unit owner  
427 participation.

428 7. Any unit owner may tape record or videotape a meeting  
429 of the unit owners subject to reasonable rules adopted by the  
430 division.

431 8. Unless otherwise provided in the bylaws, any vacancy  
432 occurring on the board before the expiration of a term may be  
433 filled by the affirmative vote of the majority of the remaining  
434 directors, even if the remaining directors constitute less than  
435 a quorum, or by the sole remaining director. In the alternative,  
436 a board may hold an election to fill the vacancy, in which case  
437 the election procedures must conform to the requirements of  
438 subparagraph 3. unless the association governs 10 units or less  
439 and has opted out of the statutory election process, in which  
440 case the bylaws of the association control. Unless otherwise  
441 provided in the bylaws, a board member appointed or elected  
442 under this section shall fill the vacancy for the unexpired term  
443 of the seat being filled. Filling vacancies created by recall is  
444 governed by paragraph (j) and rules adopted by the division.

445

446 Notwithstanding subparagraphs (b)2. and (d)3., an association of  
447 10 or fewer units may, by the affirmative vote of a majority of



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448 the total voting interests, provide for different voting and  
449 election procedures in its bylaws, which vote may be by a proxy  
450 specifically delineating the different voting and election  
451 procedures. The different voting and election procedures may  
452 provide for elections to be conducted by limited or general  
453 proxy.

454 (1) Certificate of compliance.--There shall be a provision  
455 that a certificate of compliance from a licensed electrical  
456 contractor or electrician may be accepted by the association's  
457 board as evidence of compliance of the condominium units with  
458 the applicable fire and life safety code. Notwithstanding the  
459 provisions of chapter 633 or of any other code, statute,  
460 ordinance, administrative rule, or regulation, or any  
461 interpretation of the foregoing, an association, condominium, or  
462 unit owner is not obligated to retrofit the common elements or  
463 units of a residential condominium with a fire sprinkler system  
464 or other engineered lifesafety system in a building that has  
465 been certified for occupancy by the applicable governmental  
466 entity, if the unit owners have voted to forego such  
467 retrofitting and engineered lifesafety system by the affirmative  
468 vote of two-thirds of all voting interests in the affected  
469 condominium. However, a condominium association may not vote to  
470 forego the retrofitting with a fire sprinkler system of common  
471 areas in a high-rise building. For purposes of this subsection,  
472 the term "high-rise building" means a building that is greater  
473 than 75 feet in height where the building height is measured  
474 from the lowest level of fire department access to the floor of  
475 the highest occupiable story. For purposes of this subsection,

476 the term "common areas" means any enclosed hallway, corridor,  
477 lobby, stairwell, or entryway. In no event shall the local  
478 authority having jurisdiction require completion of retrofitting  
479 of common areas with a sprinkler system before the end of 2025  
480 ~~2014~~.

481 1. A vote to forego retrofitting may be obtained by  
482 limited proxy or by a ballot personally cast at a duly called  
483 membership meeting, or by execution of a written consent by the  
484 member, and shall be effective upon the recording of a  
485 certificate attesting to such vote in the public records of the  
486 county where the condominium is located. The association shall  
487 mail, hand deliver, or electronically transmit to each unit  
488 owner written notice at least 14 days prior to such membership  
489 meeting in which the vote to forego retrofitting of the required  
490 fire sprinkler system is to take place. Within 30 days after the  
491 association's opt-out vote, notice of the results of the opt-out  
492 vote shall be mailed, hand delivered, or electronically  
493 transmitted to all unit owners. Evidence of compliance with this  
494 30-day notice shall be made by an affidavit executed by the  
495 person providing the notice and filed among the official records  
496 of the association. After such notice is provided to each owner,  
497 a copy of such notice shall be provided by the current owner to  
498 a new owner prior to closing and shall be provided by a unit  
499 owner to a renter prior to signing a lease.

500 2. As part of the information collected annually from  
501 condominiums, the division shall require condominium  
502 associations to report the membership vote and recording of a  
503 certificate under this subsection and, if retrofitting has been

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504 | undertaken, the per-unit cost of such work. The division shall  
505 | annually report to the Division of State Fire Marshal of the  
506 | Department of Financial Services the number of condominiums that  
507 | have elected to forego retrofitting.

508 |         (n) Director or officer delinquencies.--A director or  
509 | officer more than 90 days delinquent in the payment of any fee,  
510 | fine, or regular or special assessments shall be deemed to have  
511 | abandoned the office, creating a vacancy in the office to be  
512 | filled according to law.

513 |         Section 4. This act shall take effect October 1, 2009.