

By Senator Farmer

34-01251-18

20181432__

1 A bill to be entitled
2 An act relating to community association fire and life
3 safety systems; creating s. 633.2225, F.S.; requiring
4 certain condominium or cooperative associations to
5 post certain signs or symbols on buildings; requiring
6 the State Fire Marshal to adopt rules governing such
7 signs and symbols; providing for enforcement;
8 providing penalties; amending ss. 718.112 and
9 719.1055, F.S.; revising provisions relating to
10 evidence of condominium and cooperative association
11 compliance with the fire and life safety code;
12 revising unit and common elements required to be
13 retrofitted; revising provisions relating to an
14 association vote to forego retrofitting; providing an
15 effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Section 633.2225, Florida Statutes, is created
20 to read:

21 633.2225 Condominium and cooperative buildings without fire
22 sprinkler systems; notice requirements; enforcement.-

23 (1) The board of a condominium or cooperative association
24 that operates a building of three stories or more that has not
25 installed a fire sprinkler system in the common areas of the
26 building shall mark the building with a sign or symbol approved
27 by the State Fire Marshal in a manner sufficient to warn persons
28 conducting fire control and other emergency operations of the
29 lack of a fire sprinkler system in the common areas.

34-01251-18

20181432__

30 (2) The State Fire Marshal shall:

31 (a) Ensure that the dimensions and placement of the sign or
32 symbol do not diminish the aesthetic value of the building; and

33 (b) Adopt rules necessary to implement the provisions of
34 this section, including, but not limited to:

35 1. The dimensions and color of such sign or symbol.

36 2. The time within which the condominium or cooperative
37 buildings without fire sprinkler systems shall be marked as
38 required by this section.

39 3. The location on each condominium or cooperative building
40 without a fire sprinkler system where such sign or symbol must
41 be posted.

42 (3) The State Fire Marshal, and local fire officials in
43 accordance with s. 633.118, shall enforce this section. An
44 association that fails to comply with the requirements of this
45 section is subject to penalties as provided in s. 633.228.

46 Section 2. Paragraph (1) of subsection (2) of section
47 718.112, Florida Statutes, is amended to read:

48 718.112 Bylaws.—

49 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the
50 following and, if they do not do so, shall be deemed to include
51 the following:

52 (1) *Certificate of compliance.*—A provision that a
53 certificate of compliance from a licensed electrical contractor,
54 ~~or~~ electrician, or professional engineer may be accepted by the
55 association's board as evidence of compliance ~~of the condominium~~
56 ~~units~~ with the applicable fire and life safety code must be
57 included. Notwithstanding chapter 633 or of any other code,
58 statute, ordinance, administrative rule, or regulation, or any

34-01251-18

20181432__

59 interpretation of the foregoing, an association, ~~residential~~
60 ~~condominium,~~ or unit owner is not obligated to retrofit the
61 common elements, association property, or units of a residential
62 condominium with a fire sprinkler system or other engineered
63 life safety system in a building that is 75 feet or less in
64 height. There is no obligation to retrofit for a building
65 greater than 75 feet in height, calculated from the lowest level
66 of fire department vehicle access to the floor of the highest
67 occupiable story, ~~has been certified for occupancy by the~~
68 ~~applicable governmental entity~~ if the unit owners have voted to
69 forego such retrofitting by the affirmative vote of two-thirds a
70 ~~majority~~ of all voting interests in the affected condominium.
71 There is no requirement that owners in condominiums of 75 feet
72 or less conduct an opt-out vote and such condominiums are exempt
73 from fire sprinkler or other engineered life safety
74 retrofitting. The preceding sentence is intended to clarify
75 existing law. The local authority having jurisdiction may not
76 require completion of retrofitting with a fire sprinkler system
77 or other engineered life safety system before January 1, 2022
78 2020. By December 31, 2018 ~~2016,~~ an a residential condominium
79 association that operates a residential condominium that is not
80 in compliance with the requirements for a fire sprinkler system
81 or other engineered life safety system and has not voted to
82 forego retrofitting of such a system must initiate an
83 application for a building permit for the required installation
84 with the local government having jurisdiction demonstrating that
85 the association will become compliant by December 31, 2021 ~~2019.~~

86 1. A vote to forego required retrofitting may be obtained
87 by limited proxy or by a ballot personally cast at a duly called

34-01251-18

20181432__

88 membership meeting, or by execution of a written consent by the
89 member, or by electronic voting, and is effective upon recording
90 a certificate executed by an officer or agent of the association
91 attesting to such vote in the public records of the county where
92 the condominium is located. When an opt-out vote is to be
93 conducted at a meeting, the association shall mail or ~~hand~~
94 deliver to each unit owner written notice at least 14 days
95 before the membership meeting in which the vote to forego
96 retrofitting of the required fire sprinkler system or other
97 engineered life safety system is to take place. Within 30 days
98 after the association's opt-out vote, notice of the results of
99 the opt-out vote must be mailed or ~~hand~~ delivered to all unit
100 owners. Evidence of compliance with this notice requirement must
101 be made by affidavit executed by the person providing the notice
102 and filed among the official records of the association. Failure
103 to provide timely notice to unit owners does not invalidate an
104 otherwise valid opt-out vote if notice of the results is
105 provided to the owners. After notice is provided to each owner,
106 a copy must be provided by the current owner to a new owner
107 before closing and by a unit owner to a renter before signing a
108 lease.

109 2. If there has been a previous vote to forego
110 retrofitting, a vote to require retrofitting may be obtained at
111 a special meeting of the unit owners called by a petition of at
112 least 10 percent of the voting interests or by a majority of the
113 board of directors. The approval of two-thirds of all voting
114 interests in the affected condominium is required to require
115 retrofitting. ~~Such a vote may only be called once every 3 years.~~
116 Notice shall be provided as required for any regularly called

34-01251-18

20181432__

117 meeting of the unit owners, and must state the purpose of the
118 meeting. ~~Electronic transmission may not be used to provide~~
119 ~~notice of a meeting called in whole or in part for this purpose.~~

120 3. As part of the information collected annually from
121 condominiums, the division shall require condominium
122 associations to report the membership vote and recording of a
123 certificate under this subsection and, if retrofitting has been
124 undertaken, the per-unit cost of such work. The division shall
125 annually report to the Division of State Fire Marshal of the
126 Department of Financial Services the number of condominiums that
127 have elected to forego retrofitting. Compliance with this
128 administrative reporting requirement does not affect the
129 validity of an opt-out vote.

130 4. Notwithstanding s. 553.509, a residential association
131 may not be obligated to, and may forego the retrofitting of, any
132 improvements required by s. 553.509(2) upon an affirmative vote
133 of a majority of the voting interests in the affected
134 condominium.

135 5. The provisions of this paragraph do not apply to
136 timeshare condominium associations, which shall be governed by
137 s. 721.24.

138 Section 3. Subsection (5) of section 719.1055, Florida
139 Statutes, is amended to read:

140 719.1055 Amendment of cooperative documents; alteration and
141 acquisition of property.—

142 (5) The bylaws must include a provision whereby a
143 certificate of compliance from a licensed electrical contractor,
144 ~~or~~ electrician, or professional engineer may be accepted by the
145 association's board as evidence of compliance ~~of the cooperative~~

34-01251-18

20181432__

146 ~~units~~ with the applicable fire and life safety code.

147 (a)1. Notwithstanding chapter 633 or any other code,
148 statute, ordinance, administrative rule, or regulation, or any
149 interpretation of the foregoing, an association ~~a cooperative~~ or
150 unit owner is not obligated to retrofit the common elements or
151 units of a residential cooperative with a fire sprinkler system
152 or other engineered life safety system in a building that is 75
153 feet or less in height. There is no obligation to retrofit for a
154 building greater than 75 feet in height, calculated from the
155 lowest level of fire department vehicle access to the floor of
156 the highest occupiable story, ~~has been certified for occupancy~~
157 ~~by the applicable governmental entity~~ if the unit owners have
158 voted to forego such retrofitting by the affirmative vote of
159 two-thirds ~~a majority~~ of all voting interests in the affected
160 cooperative. There is no requirement that owners in cooperatives
161 of 75 feet or less conduct an opt-out vote and such cooperatives
162 are exempt from fire sprinkler or other engineered life safety
163 retrofitting. The preceding sentence is intended to clarify
164 existing law. The local authority having jurisdiction may not
165 require completion of retrofitting with a fire sprinkler system
166 or other engineered life safety system before January 1, 2022
167 ~~the end of 2019~~. By December 31, 2018 ~~2016~~, a cooperative that
168 is not in compliance with the requirements for a fire sprinkler
169 system or other engineered life safety system and has not voted
170 to forego retrofitting of such a system must initiate an
171 application for a building permit for the required installation
172 with the local government having jurisdiction demonstrating that
173 the cooperative will become compliant by December 31, 2021 ~~2019~~.
174 2. A vote to forego required retrofitting may be obtained

34-01251-18

20181432__

175 by limited proxy or by a ballot personally cast at a duly called
176 membership meeting, or by execution of a written consent by the
177 member, or by electronic voting, and is effective upon recording
178 a certificate executed by an officer or agent of the association
179 attesting to such vote in the public records of the county where
180 the cooperative is located. When the opt-out vote is to be
181 conducted at a meeting, the cooperative shall mail or ~~hand~~
182 deliver to each unit owner written notice at least 14 days
183 before the membership meeting in which the vote to forego
184 retrofitting of the required fire sprinkler system or other
185 engineered life safety system is to take place. Within 30 days
186 after the cooperative's opt-out vote, notice of the results of
187 the opt-out vote must be mailed or ~~hand~~ delivered to all unit
188 owners. Evidence of compliance with this notice requirement must
189 be made by affidavit executed by the person providing the notice
190 and filed among the official records of the cooperative. Failure
191 to provide timely notice to unit owners does not invalidate an
192 otherwise valid opt-out vote if notice of the results is
193 provided to the owners. After notice is provided to each owner,
194 a copy must be provided by the current owner to a new owner
195 before closing and by a unit owner to a renter before signing a
196 lease.

197 (b) If there has been a previous vote to forego
198 retrofitting, a vote to require retrofitting may be obtained at
199 a special meeting of the unit owners called by a petition of
200 least 10 percent of the voting interests or by a majority of the
201 board of directors. The approval of two-thirds of all voting
202 interests in the affected condominium is required to require
203 retrofitting. ~~Such vote may only be called once every 3 years.~~

34-01251-18

20181432__

204 Notice must be provided as required for any regularly called
205 meeting of the unit owners, and the notice must state the
206 purpose of the meeting. ~~Electronic transmission may not be used~~
207 ~~to provide notice of a meeting called in whole or in part for~~
208 ~~this purpose.~~

209 (c) As part of the information collected annually from
210 cooperatives, the division shall require associations to report
211 the membership vote and recording of a certificate under this
212 subsection and, if retrofitting has been undertaken, the per-
213 unit cost of such work. The division shall annually report to
214 the Division of State Fire Marshal of the Department of
215 Financial Services the number of cooperatives that have elected
216 to forego retrofitting. Compliance with this administrative
217 reporting requirement does not affect the validity of an opt-out
218 vote.

219 Section 4. This act shall take effect July 1, 2018.