

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Grieco offered the following:

Amendment to Amendment (888040) (with title amendment)

Remove lines 5-258 of the amendment and insert:

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

718.112 Bylaws.—

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

(1) Firesafety.—An association must ensure compliance with the Florida Fire Prevention Code. As to a residential condominium building that is a high-rise building as defined

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14 under the Florida Fire Prevention Code, the association must
15 retrofit either a fire sprinkler system or an engineered life
16 safety system as specified in the Florida Fire Prevention Code.
17 ~~Certificate of compliance. A provision that a certificate of~~
18 ~~compliance from a licensed electrical contractor or electrician~~
19 ~~may be accepted by the association's board as evidence of~~
20 ~~compliance of the condominium units with the applicable fire and~~
21 ~~life safety code must be included. Notwithstanding chapter 633~~
22 ~~or of any other code, statute, ordinance, administrative rule,~~
23 ~~or regulation, or any interpretation of the foregoing, an~~
24 ~~association, residential condominium, or unit owner is not~~
25 ~~obligated to retrofit the common elements, association property,~~
26 ~~or units of a residential condominium with a fire sprinkler~~
27 ~~system or an engineered life safety system in a building that~~
28 ~~has been certified for occupancy by the applicable governmental~~
29 ~~entity if the unit owners have voted to forego such retrofitting~~
30 ~~by the affirmative vote of a majority of all voting interests in~~
31 ~~the affected condominium. The local authority having~~
32 ~~jurisdiction may not require completion of retrofitting with a~~
33 ~~fire sprinkler system or an engineered life safety system before~~
34 ~~January 1, 2024 2020. By December 31, 2016, a residential~~
35 ~~condominium association that is not in compliance with the~~
36 ~~requirements for a fire sprinkler system and has not voted to~~
37 ~~forego retrofitting of such a system must initiate an~~
38 ~~application for a building permit for the required installation~~

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39 ~~with the local government having jurisdiction demonstrating that~~
40 ~~the association will become compliant by December 31, 2019.~~

41 1. A vote to forego retrofitting may be obtained by
42 limited proxy or by a ballot personally cast at a duly called
43 membership meeting, or by execution of a written consent by the
44 member, and is effective upon recording a certificate attesting
45 to such vote in the public records of the county where the
46 condominium is located. The association shall mail or hand
47 deliver to each unit owner written notice at least 14 days
48 before the membership meeting in which the vote to forego
49 retrofitting of the required fire sprinkler system or engineered
50 life safety system is to take place. Within 30 days after the
51 association's opt-out vote, notice of the results of the opt-out
52 vote must be mailed or hand delivered to all unit owners.
53 Evidence of compliance with this notice requirement must be made
54 by affidavit executed by the person providing the notice and
55 filed among the official records of the association. After
56 notice is provided to each owner, a copy must be provided by the
57 current owner to a new owner before closing and by a unit owner
58 to a renter before signing a lease.

59 2. If there has been a previous vote to forego
60 retrofitting, a vote to require retrofitting may be obtained at
61 a special meeting of the unit owners called by a petition of at
62 least 10 percent of the voting interests. Such a vote may only
63 be called once every 3 years. Notice shall be provided as

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64 required for any regularly called meeting of the unit owners,
65 and must state the purpose of the meeting. Electronic
66 transmission may not be used to provide notice of a meeting
67 called in whole or in part for this purpose.

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

76 4. Notwithstanding s. 553.509, a residential association
77 may not be obligated to, and may forego the retrofitting of, any
78 improvements required by s. 553.509(2) upon an affirmative vote
79 of a majority of the voting interests in the affected
80 condominium.

81 5. The provisions of this paragraph do not apply to
82 timeshare condominium associations, which shall be governed by
83 s. 721.24

84 Section 2. By July 1, 2019, the State Fire Marshal shall
85 issue a data call to all local fire officials to collect data
86 regarding high-rise condominiums greater than 75 feet in height
87 which have not been retrofitted with a fire sprinkler system or
88 an engineered life safety system in accordance with ss.

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89 633.208(5) and 718.112(2)(1), Florida Statutes. Local fire
 90 officials shall submit such data to the State Fire Marshal and
 91 shall include the address, the number of units, and the number
 92 of stories for each individual condominium. By July 1, 2020, all
 93 data must be received and compiled into a report by city and
 94 county. By September 1, 2020, the report must be sent to the
 95 Governor, the President of the Senate, and the Speaker of the
 96 House of Representatives.

97 Section 3. This act shall take effect July 1, 2019.

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T I T L E A M E N D M E N T

100 Remove lines 265-296 of the amendment and insert:
 101 An act relating to community association fire and life
 102 safety systems; amending s. 718.112, F.S.; requiring
 103 that condominium association to ensure compliance with
 104 the Florida Fire Prevention Code; specifying
 105 authorized means of compliance for certain residential
 106 condominiums; deleting a requirement for association
 107 bylaws to contain a certain certificate of compliance
 108 provision; revising unit and common elements required
 109 to be retrofitted; revising provisions relating to an
 110 association vote to forego retrofitting; extending the
 111 date before which a local authority having
 112 jurisdiction may not require completion of a
 113

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114 | condominium's retrofitting with a fire sprinkler
115 | system or an engineered life safety system;

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