

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; requiring the
15 State Fire Marshal to issue a data call to all local
16 fire officials to collect data on certain high-rise
17 condominiums by a specified date; specifying the data
18 that local fire officials must submit; requiring that
19 all data be received and compiled into a report by a
20 specified date; requiring that the report be sent to
21 the Governor and the Legislature by a specified date;
22 providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:
25

26 Section 1. Section 633.2225, Florida Statutes, is created
 27 to read:

28 633.2225 Condominium and cooperative buildings without
 29 fire sprinkler systems; notice requirements; enforcement.-

30 (1) The board of a condominium or cooperative association
 31 that operates a building of three stories or more that has not
 32 installed a fire sprinkler system in the common areas of the
 33 building shall mark the building with a sign or symbol approved
 34 by the State Fire Marshal in a manner sufficient to warn persons
 35 conducting fire control and other emergency operations of the
 36 lack of a fire sprinkler system in the common areas.

37 (2) The State Fire Marshal shall:

38 (a) Ensure that the dimensions and placement of the sign
 39 or symbol do not diminish the aesthetic appearance of the
 40 building; and

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

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

44 2. The time within which the condominium or cooperative
 45 buildings without fire sprinkler systems shall be marked as
 46 required by this section.

47 3. The location on each condominium or cooperative
 48 building without a fire sprinkler system where such sign or
 49 symbol must be posted.

50 (3) The State Fire Marshal, and local fire officials in

51 accordance with s. 633.118, shall enforce this section. An
 52 association that fails to comply with the requirements of this
 53 section is subject to penalties as provided in s. 633.228.

54 Section 2. Paragraph (1) of subsection (2) of section
 55 718.112, Florida Statutes, is amended to read:

56 718.112 Bylaws.—

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

60 (1) Certificate of compliance.—A provision that a
 61 certificate of compliance from a licensed electrical contractor,
 62 ~~or~~ electrician, or professional engineer may be accepted by the
 63 association's board as evidence of compliance ~~of the condominium~~
 64 ~~units~~ with the applicable fire and life safety code must be
 65 included. Notwithstanding chapter 633 or of any other code,
 66 statute, ordinance, administrative rule, or regulation, or any
 67 interpretation of the foregoing, an association, ~~residential~~
 68 ~~condominium,~~ or unit owner is not obligated to retrofit the
 69 common elements, association property, or units of a residential
 70 condominium with a fire sprinkler system or other engineered
 71 life safety system in a building that is 75 feet or less in
 72 height. There is no obligation to retrofit for a building
 73 greater than 75 feet in height, calculated from the lowest level
 74 of fire department vehicle access to the floor of the highest
 75 occupiable story, ~~has been certified for occupancy by the~~

76 | ~~applicable governmental entity~~ if the unit owners have voted to
77 | forego such retrofitting by the affirmative vote of two-thirds a
78 | ~~majority~~ of all voting interests in the affected condominium.
79 | There is no requirement that owners in condominiums of 75 feet
80 | or less conduct an opt-out vote and such condominiums are exempt
81 | from fire sprinkler or other engineered life safety
82 | retrofitting. The preceding sentence is intended to clarify
83 | existing law. The local authority having jurisdiction may not
84 | require completion of retrofitting with a fire sprinkler system
85 | or other engineered life safety system before January 1, 2023
86 | 2020. By December 31, 2019 ~~2016~~, an a residential condominium
87 | association that operates a residential condominium that is not
88 | in compliance with the requirements for a fire sprinkler system
89 | or other engineered life safety system and has not voted to
90 | forego retrofitting of such a system must initiate an
91 | application for a building permit for the required installation
92 | with the local government having jurisdiction demonstrating that
93 | the association will become compliant by December 31, 2022 ~~2019~~.
94 | 1. A vote to forego required retrofitting may be obtained
95 | by limited proxy or by a ballot personally cast at a duly called
96 | membership meeting, or by execution of a written consent by the
97 | member, or by electronic voting, and is effective upon recording
98 | a certificate executed by an officer or agent of the association
99 | attesting to such vote in the public records of the county where
100 | the condominium is located. When an opt-out vote is to be

101 conducted at a meeting, the association shall mail or ~~hand~~
102 deliver to each unit owner written notice at least 14 days
103 before the membership meeting in which the vote to forego
104 retrofitting of the required fire sprinkler system or other
105 engineered life safety system is to take place. Within 30 days
106 after the association's opt-out vote, notice of the results of
107 the opt-out vote must be mailed or ~~hand~~ delivered to all unit
108 owners. Evidence of compliance with this notice requirement must
109 be made by affidavit executed by the person providing the notice
110 and filed among the official records of the association. Failure
111 to provide timely notice to unit owners does not invalidate an
112 otherwise valid opt-out vote if notice of the results is
113 provided to the owners. After notice is provided to each owner,
114 a copy must be provided by the current owner to a new owner
115 before closing and by a unit owner to a renter before signing a
116 lease.

117 2. If there has been a previous vote to forego
118 retrofitting, a vote to require retrofitting may be obtained at
119 a special meeting of the unit owners called by a petition of at
120 least 10 percent of the voting interests or by a majority of the
121 board of directors. The approval of two-thirds of all voting
122 interests in the affected condominium is required to require
123 retrofitting. ~~Such a vote may only be called once every 3 years.~~
124 Notice shall be provided as required for any regularly called
125 meeting of the unit owners, and must state the purpose of the

126 | meeting. ~~Electronic transmission may not be used to provide~~
127 | ~~notice of a meeting called in whole or in part for this purpose.~~

128 | 3. As part of the information collected annually from
129 | condominiums, the division shall require condominium
130 | associations to report the membership vote and recording of a
131 | certificate under this subsection and, if retrofitting has been
132 | undertaken, the per-unit cost of such work. The division shall
133 | annually report to the Division of State Fire Marshal of the
134 | Department of Financial Services the number of condominiums that
135 | have elected to forego retrofitting. Compliance with this
136 | administrative reporting requirement does not affect the
137 | validity of an opt-out vote.

138 | 4. Notwithstanding s. 553.509, a residential association
139 | may not be obligated to, and may forego the retrofitting of, any
140 | improvements required by s. 553.509(2) upon an affirmative vote
141 | of a majority of the voting interests in the affected
142 | condominium.

143 | 5. The provisions of this paragraph do not apply to
144 | timeshare condominium associations, which shall be governed by
145 | s. 721.24.

146 | Section 3. Subsection (5) of section 719.1055, Florida
147 | Statutes, is amended to read:

148 | 719.1055 Amendment of cooperative documents; alteration
149 | and acquisition of property.—

150 | (5) The bylaws must include a provision whereby a

151 certificate of compliance from a licensed electrical contractor,
152 ~~or~~ electrician, or professional engineer may be accepted by the
153 association's board as evidence of compliance ~~of the cooperative~~
154 ~~units~~ with the applicable fire and life safety code.

155 (a)1. Notwithstanding chapter 633 or any other code,
156 statute, ordinance, administrative rule, or regulation, or any
157 interpretation of the foregoing, an association ~~a cooperative~~ or
158 unit owner is not obligated to retrofit the common elements or
159 units of a residential cooperative with a fire sprinkler system
160 or other engineered life safety system in a building that is 75
161 feet or less in height. There is no obligation to retrofit for a
162 building greater than 75 feet in height, calculated from the
163 lowest level of fire department vehicle access to the floor of
164 the highest occupiable story, ~~has been certified for occupancy~~
165 ~~by the applicable governmental entity~~ if the unit owners have
166 voted to forego such retrofitting by the affirmative vote of
167 two-thirds ~~a majority~~ of all voting interests in the affected
168 cooperative. There is no requirement that owners in cooperatives
169 of 75 feet or less conduct an opt-out vote and such cooperatives
170 are exempt from fire sprinkler or other engineered life safety
171 retrofitting. The preceding sentence is intended to clarify
172 existing law. The local authority having jurisdiction may not
173 require completion of retrofitting with a fire sprinkler system
174 or other engineered life safety system before January 1, 2023
175 ~~the end of 2019~~. By December 31, 2019 ~~2016~~, a cooperative that

176 is not in compliance with the requirements for a fire sprinkler
177 system or other engineered life safety system and has not voted
178 to forego retrofitting of such a system must initiate an
179 application for a building permit for the required installation
180 with the local government having jurisdiction demonstrating that
181 the cooperative will become compliant by December 31, 2022 ~~2019~~.

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

201 provided to the owners. After notice is provided to each owner,
202 a copy must be provided by the current owner to a new owner
203 before closing and by a unit owner to a renter before signing a
204 lease.

205 (b) If there has been a previous vote to forego
206 retrofitting, a vote to require retrofitting may be obtained at
207 a special meeting of the unit owners called by a petition of
208 least 10 percent of the voting interests or by a majority of the
209 board of directors. The approval of two-thirds of all voting
210 interests in the affected condominium is required to require
211 retrofitting. ~~Such vote may only be called once every 3 years.~~
212 Notice must be provided as required for any regularly called
213 meeting of the unit owners, and the notice must state the
214 purpose of the meeting. ~~Electronic transmission may not be used~~
215 ~~to provide notice of a meeting called in whole or in part for~~
216 ~~this purpose.~~

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

226 | vote.

227 | Section 4. By July 1, 2019, the State Fire Marshal shall
228 | issue a data call to all local fire officials to collect data
229 | regarding high-rise condominiums greater than 75 feet in height
230 | which have not been retrofitted with a fire sprinkler system or
231 | an engineered life safety system in accordance with ss.
232 | 633.208(5) and 718.112(2)(1), Florida Statutes. Local fire
233 | officials shall submit such data to the State Fire Marshal and
234 | shall include the address, the number of units, and the number
235 | of stories for each individual condominium. By July 1, 2020, all
236 | data must be received and compiled into a report by city and
237 | county. By September 1, 2020, the report must be sent to the
238 | Governor, the President of the Senate, and the Speaker of the
239 | House of Representatives.

240 | Section 5. This act shall take effect July 1, 2019.