

CHAMBER ACTION

1 The Committee on Judiciary recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the retrofitting of common areas of
7 condominiums and cooperatives with fire sprinkler systems;
8 amending ss. 718.112 and 719.1055, F.S.; revising
9 notification and voting procedures with respect to any
10 vote to forego retrofitting of the common areas of
11 condominiums and cooperatives with fire sprinkler systems;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Paragraph (1) of subsection (2) of section
17 718.112, Florida Statutes, is amended to read:

18 718.112 Bylaws.--

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

22 (1) Certificate of compliance.--There shall be a provision
23 that a certificate of compliance from a licensed electrical

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24 contractor or electrician may be accepted by the association's
25 board as evidence of compliance of the condominium units with
26 the applicable fire and life safety code. Notwithstanding the
27 provisions of chapter 633 or of any other code, statute,
28 ordinance, administrative rule, or regulation, or any
29 interpretation of the foregoing, an association, condominium, or
30 unit owner is not obligated to retrofit the common elements or
31 units of a residential condominium with a fire sprinkler system
32 or other engineered lifesafety system in a building that has
33 been certified for occupancy by the applicable governmental
34 entity, if the unit owners have voted to forego such
35 retrofitting and engineered lifesafety system by the affirmative
36 vote of two-thirds of all voting interests in the affected
37 condominium. However, a condominium association may not vote to
38 forego the retrofitting with a fire sprinkler system of common
39 areas in a high-rise building. For purposes of this subsection,
40 the term "high-rise building" means a building that is greater
41 than 75 feet in height where the building height is measured
42 from the lowest level of fire department access to the floor of
43 the highest occupiable story. For purposes of this subsection,
44 the term "common areas" means any enclosed hallway, corridor,
45 lobby, stairwell, or entryway. In no event shall the local
46 authority having jurisdiction require completion of retrofitting
47 of common areas with a sprinkler system before the end of 2014.

48 1. A vote to forego retrofitting may ~~not~~ be obtained by
49 ~~general proxy or limited proxy or by a ballot, but shall be~~
50 ~~obtained by a vote~~ personally cast at a duly called membership
51 meeting, or by execution of a written consent by the member, and

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52 shall be effective upon the recording of a certificate attesting
 53 to such vote in the public records of the county where the
 54 condominium is located. The association shall mail, hand
 55 deliver, or electronically transmit to provide each unit owner
 56 written notice at least 14 days prior to such membership meeting
 57 that includes a statement that a ~~of the~~ vote to forego
 58 retrofitting of the required fire sprinkler system is to take
 59 place. The association shall provide each unit owner written
 60 notice of the results of the vote to forego retrofitting of the
 61 required fire sprinkler system, in at least 16-point bold type,
 62 by certified mail, within 20 days after the association's vote.
 63 After such notice is provided to each owner, a copy of such
 64 notice shall be provided by the current owner to a new owner
 65 prior to closing and shall be provided by a unit owner to a
 66 renter prior to signing a lease.

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

75 Section 2. Paragraph (a) of subsection (5) of section
 76 719.1055, Florida Statutes, is amended to read:

77 719.1055 Amendment of cooperative documents; alteration
 78 and acquisition of property.--

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79 (5) Notwithstanding the provisions of chapter 633 or of
80 any other code, statute, ordinance, administrative rule, or
81 regulation, or any interpretation of the foregoing, a
82 cooperative or unit owner is not obligated to retrofit the
83 common elements or units of a residential cooperative with a
84 fire sprinkler system or other engineered life safety system in
85 a building that has been certified for occupancy by the
86 applicable governmental entity, if the unit owners have voted to
87 forego such retrofitting and engineered life safety system by
88 the affirmative vote of two-thirds of all voting interests in
89 the affected cooperative. However, a cooperative may not forego
90 the retrofitting with a fire sprinkler system of common areas in
91 a high-rise building. For purposes of this subsection, the term
92 "high-rise building" means a building that is greater than 75
93 feet in height where the building height is measured from the
94 lowest level of fire department access to the floor of the
95 highest occupiable story. For purposes of this subsection, the
96 term "common areas" means any enclosed hallway, corridor, lobby,
97 stairwell, or entryway. In no event shall the local authority
98 having jurisdiction require completion of retrofitting of common
99 areas with a sprinkler system before the end of 2014.

100 (a) A vote to forego retrofitting may ~~not~~ be obtained by
101 ~~general proxy or limited proxy or by a ballot, but shall be~~
102 ~~obtained by a vote~~ personally cast at a duly called membership
103 meeting, or by execution of a written consent by the member, and
104 shall be effective upon the recording of a certificate attesting
105 to such vote in the public records of the county where the
106 cooperative is located. The association shall mail, hand

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107 | deliver, or electronically transmit to ~~provide~~ each unit owner
108 | written notice at least 14 days prior to such membership meeting
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110 | retrofitting of the required fire sprinkler system is to take
111 | place. The association shall provide each unit owner written
112 | notice of the results of the vote to forego retrofitting of the
113 | required fire sprinkler system, in at least 16-point bold type,
114 | by certified mail, within 20 days after the association's vote.
115 | After such notice is provided to each owner, a copy of such
116 | notice shall be provided by the current owner to a new owner
117 | prior to closing and shall be provided by a unit owner to a
118 | renter prior to signing a lease.

119 | Section 3. This act shall take effect upon becoming a law.