

By Senator Ring

32-00138B-10

20101270__

1 A bill to be entitled
2 An act relating to condominiums and multifamily
3 dwellings; amending s. 633.0215, F.S.; providing an
4 exemption, if certain conditions are met, from the
5 requirement that certain condominiums install a manual
6 fire alarm system as required in the Life Safety Code;
7 amending s. 718.112, F.S.; prohibiting an authority
8 having jurisdiction from requiring the completion of
9 retrofitting of common areas with a sprinkler system
10 before a specified date; providing that certain
11 condominiums need not retrofit the inside of units
12 with fire alarm systems or smoke-detection systems;
13 creating s. 720.314, F.S.; defining the term "common
14 area facilities" for specified purposes; authorizing a
15 condominium or homeowners' association to disallow the
16 use of common area facilities by unit owners who are
17 delinquent in the payment of association fees by more
18 than a specified number of days; repealing s.
19 553.509(2), F.S., relating to a requirement that
20 public elevators capable of operating from an
21 alternate power source be installed in certain
22 multifamily dwellings or condominiums; providing an
23 effective date.

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

26
27 Section 1. Subsection (13) is added to section 633.0215,
28 Florida Statutes, to read:
29 633.0215 Florida Fire Prevention Code.—

32-00138B-10

20101270__

30 (13) A condominium that is one or two stories in height and
31 that has a corridor providing an exterior means of egress is
32 exempt from the requirement to install a manual fire alarm
33 system, as required in s. 9.6 of the most recent edition of the
34 Life Safety Code adopted in the Florida Fire Prevention Code.

35 Section 2. Paragraph (1) of subsection (2) of section
36 718.112, Florida Statutes, is amended to read:

37 718.112 Bylaws.—

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

41 (1) *Certificate of compliance.*—There shall be a provision
42 that a certificate of compliance from a licensed electrical
43 contractor or electrician may be accepted by the association's
44 board as evidence of compliance of the condominium units with
45 the applicable fire and life safety code. Notwithstanding the
46 provisions of chapter 633 or of any other code, statute,
47 ordinance, administrative rule, or regulation, or any
48 interpretation of the foregoing, an association, condominium, or
49 unit owner is not obligated to retrofit the common elements or
50 units of a residential condominium with a fire sprinkler system
51 or other engineered lifesafety system in a building that has
52 been certified for occupancy by the applicable governmental
53 entity, if the unit owners have voted to forego such
54 retrofitting and engineered lifesafety system by the affirmative
55 vote of two-thirds of all voting interests in the affected
56 condominium. However, a condominium association may not vote to
57 forego the retrofitting with a fire sprinkler system of common
58 areas in a high-rise building. For purposes of this subsection,

32-00138B-10

20101270__

59 the term "high-rise building" means a building that is greater
60 than 75 feet in height where the building height is measured
61 from the lowest level of fire department access to the floor of
62 the highest occupiable story. For purposes of this subsection,
63 the term "common areas" means any enclosed hallway, corridor,
64 lobby, stairwell, or entryway. In no event shall the local
65 authority having jurisdiction require completion of retrofitting
66 of common areas with a sprinkler system before the end of 2019
67 2014. A condominium that has 1 1/2 hour or higher fire-rated
68 walls and that is not a high-rise building need not retrofit the
69 inside of units with fire alarm systems or smoke-detection
70 systems.

71 1. A vote to forego retrofitting may be obtained by limited
72 proxy or by a ballot personally cast at a duly called membership
73 meeting, or by execution of a written consent by the member, and
74 shall be effective upon the recording of a certificate attesting
75 to such vote in the public records of the county where the
76 condominium is located. The association shall mail, hand
77 deliver, or electronically transmit to each unit owner written
78 notice at least 14 days prior to such membership meeting in
79 which the vote to forego retrofitting of the required fire
80 sprinkler system is to take place. Within 30 days after the
81 association's opt-out vote, notice of the results of the opt-out
82 vote shall be mailed, hand delivered, or electronically
83 transmitted to all unit owners. Evidence of compliance with this
84 30-day notice shall be made by an affidavit executed by the
85 person providing the notice and filed among the official records
86 of the association. After such notice is provided to each owner,
87 a copy of such notice shall be provided by the current owner to

32-00138B-10

20101270__

88 a new owner before ~~prior to~~ closing and shall be provided by a
89 unit owner to a renter before ~~prior to~~ signing a lease.

90 2. As part of the information collected annually from
91 condominiums, the division shall require condominium
92 associations to report the membership vote and recording of a
93 certificate under this subsection and, if retrofitting has been
94 undertaken, the per-unit cost of such work. The division shall
95 annually report to the Division of State Fire Marshal of the
96 Department of Financial Services the number of condominiums that
97 have elected to forego retrofitting.

98 Section 3. Section 720.314, Florida Statutes, is created to
99 read:

100 720.314 Common area facilities; restriction of use.—

101 (1) For purposes of this section, the term "common area
102 facilities" includes, but is not limited to, any clubhouse,
103 entertainment facility, exercise facility, swimming pool, tennis
104 court, or other recreation area owned or maintained by a
105 homeowners' or condominium association and provided for use by
106 dues-paying members of such association.

107 (2) A condominium association or homeowners' association
108 may disallow the use of common area facilities by unit owners
109 who are delinquent in the payment of association fees by more
110 than 90 days.

111 Section 4. Subsection (2) of section 553.509, Florida
112 Statutes, is repealed.

113 Section 5. This act shall take effect July 1, 2010.