



105244

LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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05/02/2019 11:41 AM

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Senator Brandes moved the following:

1 **Senate Amendment to Amendment (155860) (with title**
2 **amendment)**

3
4 Between lines 413 and 414
5 insert:

6 Section 9. Paragraph (1) of subsection (2) of section
7 718.112, Florida Statutes, is amended to read:

8 718.112 Bylaws.—

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



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12 (1) Firesafety.—An association must ensure reasonable
13 compliance with the Florida Fire Prevention Code. For purposes
14 of this paragraph, the term “reasonable compliance” means the
15 ability to select an alternative solution to ensure that the
16 property meets the level of fire safety required by the Florida
17 Fire Prevention Code. As to a residential condominium building
18 that is a high-rise building as defined under the Florida Fire
19 Prevention Code, the association may either retrofit a fire
20 sprinkler system or an engineered life safety system as
21 specified in the Florida Fire Prevention Code ~~Certificate of~~
22 ~~compliance. A provision that a certificate of compliance from a~~
23 ~~licensed electrical contractor or electrician may be accepted by~~
24 ~~the association’s board as evidence of compliance of the~~
25 ~~condominium units with the applicable fire and life safety code~~
26 ~~must be included.~~ Notwithstanding chapter 633 or of any other
27 code, statute, ordinance, administrative rule, or regulation, or
28 any interpretation of the foregoing, an association, residential
29 condominium, or unit owner is not obligated to retrofit the
30 common elements, association property, or units of a residential
31 condominium with a fire sprinkler system or an engineered life
32 safety system in a building that has been certified for
33 occupancy by the applicable governmental entity if the unit
34 owners have voted to forego such retrofitting by the affirmative
35 vote of two-thirds ~~a majority~~ of all voting interests in the
36 affected condominium. The local authority having jurisdiction
37 may not require completion of retrofitting with a fire sprinkler
38 system or an engineered life safety system before January 1,
39 2024 ~~2020~~. ~~By December 31, 2016, a residential condominium~~
40 ~~association that is not in compliance with the requirements for~~



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41 ~~a fire sprinkler system and has not voted to forego retrofitting~~
42 ~~of such a system must initiate an application for a building~~
43 ~~permit for the required installation with the local government~~
44 ~~having jurisdiction demonstrating that the association will~~
45 ~~become compliant by December 31, 2019.~~

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

63 2. If there has been a previous vote to forego
64 retrofitting, a vote to require retrofitting may be obtained at
65 a special meeting of the unit owners called by a petition of at
66 least 10 percent of the voting interests. Such a vote may only
67 be called once every 3 years. Notice shall be provided as
68 required for any regularly called meeting of the unit owners,
69 and must state the purpose of the meeting. Electronic



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70 transmission may not be used to provide notice of a meeting
71 called in whole or in part for this purpose.

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

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

85 5. This paragraph does not apply to timeshare condominium
86 associations, which shall be governed by s. 721.24.

87
88 ===== T I T L E A M E N D M E N T =====

89 And the title is amended as follows:

90 Between lines 493 and 494

91 insert:

92 amending s. 718.112, F.S.; requiring that condominium
93 association bylaws provide requirements for the
94 association's reasonable compliance with the Florida
95 Fire Prevention Code; defining the term "reasonable
96 compliance"; specifying authorized means of compliance
97 for certain residential condominiums; deleting a
98 requirement for association bylaws to contain a



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99 certain certificate of compliance provision; revising
100 unit and common elements required to be retrofitted;
101 revising provisions relating to an association vote to
102 forego retrofitting; extending the date before which a
103 local authority having jurisdiction may not require
104 completion of a condominium's retrofitting with a fire
105 sprinkler system or an engineered life safety system;
106 providing applicability;