



592476

LEGISLATIVE ACTION

Senate

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House

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Floor: NC/2R

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04/26/2019 01:34 PM

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Senator Brandes moved the following:

Senate Amendment (with title amendment)

Delete lines 227 - 295

and insert:

(1) *Certificate of compliance.*—A provision that a certificate of compliance from a licensed electrical contractor or electrician may be accepted by the association's board as evidence of compliance of the condominium units with the applicable fire and life safety code must be included.

Notwithstanding chapter 633 or of any other code, statute, ordinance, administrative rule, or regulation, or any



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12 interpretation of the foregoing, an association, residential
13 condominium, or unit owner is not obligated to retrofit the
14 common elements, association property, or units of a residential
15 condominium with a fire sprinkler system in a building that has
16 been certified for occupancy by the applicable governmental
17 entity if the unit owners have voted to forego such retrofitting
18 by the affirmative vote of a majority of all voting interests in
19 the affected condominium. The local authority having
20 jurisdiction may not require completion of retrofitting with a
21 fire sprinkler system or completion of installation of an
22 engineered life safety system before January 1, 2024 ~~2020~~. By
23 December 31, 2020 ~~2016~~, a residential condominium association
24 that is not in compliance with the requirements for a fire
25 sprinkler system and has not voted to forego retrofitting of
26 such a system must initiate an application for a building permit
27 for the required installation with the local government having
28 jurisdiction demonstrating that the association will become
29 compliant by December 31, 2023 ~~2019~~.

30 1. A vote to forego retrofitting may be obtained by limited
31 proxy or by a ballot personally cast at a duly called membership
32 meeting, or by execution of a written consent by the member, and
33 is effective upon recording a certificate attesting to such vote
34 in the public records of the county where the condominium is
35 located. The association shall mail or hand deliver to each unit
36 owner written notice at least 14 days before the membership
37 meeting in which the vote to forego retrofitting of the required
38 fire sprinkler system is to take place. Within 30 days after the
39 association's opt-out vote, notice of the results of the opt-out
40 vote must be mailed or hand delivered to all unit owners.



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41 Evidence of compliance with this notice requirement must be made
42 by affidavit executed by the person providing the notice and
43 filed among the official records of the association. After
44 notice is provided to each owner, a copy must be provided by the
45 current owner to a new owner before closing and by a unit owner
46 to a renter before signing a lease.

47 2. If there has been a previous vote to forego
48 retrofitting, a vote to require retrofitting may be obtained at
49 a special meeting of the unit owners called by a petition of at
50 least 10 percent of the voting interests. Such a vote may only
51 be called once every 3 years. Notice shall be provided as
52 required for any regularly called meeting of the unit owners,
53 and must state the purpose of the meeting. Electronic
54 transmission may not be used to provide notice of a meeting
55 called in whole or in part for this purpose.

56 3. As part of the information collected annually from
57 condominiums, the division shall require condominium
58 associations to report the membership vote and recording of a
59 certificate under this subsection and, if retrofitting has been
60 undertaken, the per-unit cost of such work. The division shall
61 annually report to the Division of State Fire Marshal of the
62 Department of Financial Services the number of condominiums that
63 have elected to forego retrofitting.

64 4. Notwithstanding s. 553.509, a residential association
65

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

67 And the title is amended as follows:

68 Delete lines 26 - 42

69 and insert:



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70 amending s. 718.112, F.S.; extending the date before
71 which a local authority having jurisdiction may not
72 require completion of a condominium's retrofitting
73 with a fire sprinkler system; specifying the date
74 before which such local authority having jurisdiction
75 may not require completion of installation of an
76 engineered life safety system; extending deadlines by
77 which certain residential condominium associations
78 must initiate certain building permit applications and
79 become compliant with certain requirements; requiring
80 the State