

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; providing an  
 15          effective date.

16  
 17 Be It Enacted by the Legislature of the State of Florida:

18  
 19           Section 1. Section 633.2225, Florida Statutes, is created  
 20 to read:

21           633.2225 Condominium and cooperative buildings without  
 22 fire sprinkler systems; notice requirements; enforcement.-

23           (1) The board of a condominium or cooperative association  
 24 that operates a building of three stories or more that has not  
 25 installed a fire sprinkler system in the common areas of the

26 building shall mark the building with a sign or symbol approved  
27 by the State Fire Marshal in a manner sufficient to warn persons  
28 conducting fire control and other emergency operations of the  
29 lack of a fire sprinkler system in the common areas.

30 (2) The State Fire Marshal shall:

31 (a) Ensure that the dimensions and placement of the sign  
32 or symbol do not diminish the aesthetic value of the building;  
33 and

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

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

37 2. The time within which the condominium or cooperative  
38 buildings without fire sprinkler systems shall be marked as  
39 required by this section.

40 3. The location on each condominium or cooperative  
41 building without a fire sprinkler system where such sign or  
42 symbol must be posted.

43 (3) The State Fire Marshal, and local fire officials in  
44 accordance with s. 633.118, shall enforce this section. An  
45 association that fails to comply with the requirements of this  
46 section is subject to penalties as provided in s. 633.228.

47 Section 2. Paragraph (1) of subsection (2) of section  
48 718.112, Florida Statutes, is amended to read:

49 718.112 Bylaws.—

50 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the

51 following and, if they do not do so, shall be deemed to include  
52 the following:

53 (1) Certificate of compliance.—A provision that a  
54 certificate of compliance from a licensed electrical contractor,  
55 ~~or electrician,~~ or professional engineer may be accepted by the  
56 association's board as evidence of compliance ~~of the condominium~~  
57 ~~units~~ with the applicable fire and life safety code must be  
58 included. Notwithstanding chapter 633 or of any other code,  
59 statute, ordinance, administrative rule, or regulation, or any  
60 interpretation of the foregoing, an association, ~~residential~~  
61 ~~condominium,~~ or unit owner is not obligated to retrofit the  
62 common elements, association property, or units of a residential  
63 condominium with a fire sprinkler system or other engineered  
64 life safety system in a building that is 75 feet or less in  
65 height. There is no obligation to retrofit for a building  
66 greater than 75 feet in height, calculated from the lowest level  
67 of fire department vehicle access to the floor of the highest  
68 occupiable story, has been certified for occupancy by the  
69 ~~applicable governmental entity~~ if the unit owners have voted to  
70 forego such retrofitting by the affirmative vote of two-thirds a  
71 ~~majority~~ of all voting interests in the affected condominium.  
72 There is no requirement that owners in condominiums of 75 feet  
73 or less conduct an opt-out vote and such condominiums are exempt  
74 from fire sprinkler or other engineered life safety  
75 retrofitting. The preceding sentence is intended to clarify

76 | existing law. The local authority having jurisdiction may not  
77 | require completion of retrofitting with a fire sprinkler system  
78 | or other engineered life safety system before January 1, 2022  
79 | ~~2020~~. By December 31, ~~2018~~ 2016, ~~an a residential condominium~~  
80 | association that operates a residential condominium that is not  
81 | in compliance with the requirements for a fire sprinkler system  
82 | or other engineered life safety system and has not voted to  
83 | forego retrofitting of such a system must initiate an  
84 | application for a building permit for the required installation  
85 | with the local government having jurisdiction demonstrating that  
86 | the association will become compliant by December 31, 2021 ~~2019~~.

87 | 1. A vote to forego required retrofitting may be obtained  
88 | by limited proxy or by a ballot personally cast at a duly called  
89 | membership meeting, or by execution of a written consent by the  
90 | member, or by electronic voting, and is effective upon recording  
91 | a certificate executed by an officer or agent of the association  
92 | attesting to such vote in the public records of the county where  
93 | the condominium is located. When an opt-out vote is to be  
94 | conducted at a meeting, the association shall mail or ~~hand~~  
95 | deliver to each unit owner written notice at least 14 days  
96 | before the membership meeting in which the vote to forego  
97 | retrofitting of the required fire sprinkler system or other  
98 | engineered life safety system is to take place. Within 30 days  
99 | after the association's opt-out vote, notice of the results of  
100 | the opt-out vote must be mailed or ~~hand~~ delivered to all unit

101 owners. Evidence of compliance with this notice requirement must  
102 be made by affidavit executed by the person providing the notice  
103 and filed among the official records of the association. Failure  
104 to provide timely notice to unit owners does not invalidate an  
105 otherwise valid opt-out vote if notice of the results is  
106 provided to the owners. After notice is provided to each owner,  
107 a copy must be provided by the current owner to a new owner  
108 before closing and by a unit owner to a renter before signing a  
109 lease.

110 2. If there has been a previous vote to forego  
111 retrofitting, a vote to require retrofitting may be obtained at  
112 a special meeting of the unit owners called by a petition of at  
113 least 10 percent of the voting interests or by a majority of the  
114 board of directors. The approval of two-thirds of all voting  
115 interests in the affected condominium is required to require  
116 retrofitting. ~~Such a vote may only be called once every 3 years.~~  
117 Notice shall be provided as required for any regularly called  
118 meeting of the unit owners, and must state the purpose of the  
119 meeting. ~~Electronic transmission may not be used to provide~~  
120 ~~notice of a meeting called in whole or in part for this purpose.~~

121 3. As part of the information collected annually from  
122 condominiums, the division shall require condominium  
123 associations to report the membership vote and recording of a  
124 certificate under this subsection and, if retrofitting has been  
125 undertaken, the per-unit cost of such work. The division shall

126 annually report to the Division of State Fire Marshal of the  
127 Department of Financial Services the number of condominiums that  
128 have elected to forego retrofitting. Compliance with this  
129 administrative reporting requirement does not affect the  
130 validity of an opt-out vote.

131 4. Notwithstanding s. 553.509, a residential association  
132 may not be obligated to, and may forego the retrofitting of, any  
133 improvements required by s. 553.509(2) upon an affirmative vote  
134 of a majority of the voting interests in the affected  
135 condominium.

136 5. The provisions of this paragraph do not apply to  
137 timeshare condominium associations, which shall be governed by  
138 s. 721.24.

139 Section 3. Subsection (5) of section 719.1055, Florida  
140 Statutes, is amended to read:

141 719.1055 Amendment of cooperative documents; alteration  
142 and acquisition of property.—

143 (5) The bylaws must include a provision whereby a  
144 certificate of compliance from a licensed electrical contractor,  
145 ~~or~~ electrician, or professional engineer may be accepted by the  
146 association's board as evidence of compliance ~~of the cooperative~~  
147 ~~units~~ with the applicable fire and life safety code.

148 (a)1. Notwithstanding chapter 633 or any other code,  
149 statute, ordinance, administrative rule, or regulation, or any  
150 interpretation of the foregoing, an association ~~a cooperative~~ or

151 unit owner is not obligated to retrofit the common elements or  
152 units of a residential cooperative with a fire sprinkler system  
153 or other engineered life safety system in a building that is 75  
154 feet or less in height. There is no obligation to retrofit for a  
155 building greater than 75 feet in height, calculated from the  
156 lowest level of fire department vehicle access to the floor of  
157 the highest occupiable story, ~~has been certified for occupancy~~  
158 by the applicable governmental entity if the unit owners have  
159 voted to forego such retrofitting by the affirmative vote of  
160 two-thirds ~~a majority~~ of all voting interests in the affected  
161 cooperative. There is no requirement that owners in cooperatives  
162 of 75 feet or less conduct an opt-out vote and such cooperatives  
163 are exempt from fire sprinkler or other engineered life safety  
164 retrofitting. The preceding sentence is intended to clarify  
165 existing law. The local authority having jurisdiction may not  
166 require completion of retrofitting with a fire sprinkler system  
167 or other engineered life safety system before January 1, 2022  
168 ~~the end of 2019~~. By December 31, 2018 ~~2016~~, a cooperative that  
169 is not in compliance with the requirements for a fire sprinkler  
170 system or other engineered life safety system and has not voted  
171 to forego retrofitting of such a system must initiate an  
172 application for a building permit for the required installation  
173 with the local government having jurisdiction demonstrating that  
174 the cooperative will become compliant by December 31, 2021 ~~2019~~.

175 2. A vote to forego required retrofitting may be obtained

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

198 (b) If there has been a previous vote to forego  
199 retrofitting, a vote to require retrofitting may be obtained at  
200 a special meeting of the unit owners called by a petition of

201 | least 10 percent of the voting interests or by a majority of the  
202 | board of directors. The approval of two-thirds of all voting  
203 | interests in the affected condominium is required to require  
204 | retrofitting. ~~Such vote may only be called once every 3 years.~~  
205 | Notice must be provided as required for any regularly called  
206 | meeting of the unit owners, and the notice must state the  
207 | purpose of the meeting. ~~Electronic transmission may not be used~~  
208 | ~~to provide notice of a meeting called in whole or in part for~~  
209 | ~~this purpose.~~

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

220 | Section 4. This act shall take effect July 1, 2018.