

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.