

**By** Senator Farmer

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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:

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

21                  633.2225 Condominium and cooperative buildings without fire  
22                  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.

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30           (2) The State Fire Marshal shall:

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

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

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

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

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

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

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

48           718.112 Bylaws.—

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

52           (1) *Certificate of compliance.*—A provision that a  
53 certificate of compliance from a licensed electrical contractor,  
54 ~~or electrician, or professional engineer~~ may be accepted by the  
55 association's board as evidence of compliance of the condominium  
56 units with the applicable fire and life safety code must be  
57 included. Notwithstanding chapter 633 or of any other code,  
58 statute, ordinance, administrative rule, or regulation, or any

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interpretation of the foregoing, an association, ~~residential condominium~~, or unit owner is not obligated to retrofit the common elements, association property, or units of a residential condominium with a fire sprinkler system or other engineered life safety system in a building that is 75 feet or less in height. There is no obligation to retrofit for a building greater than 75 feet in height, calculated from the lowest level of fire department vehicle access to the floor of the highest occupiable story, ~~has been certified for occupancy by the applicable governmental entity~~ if the unit owners have voted to forego such retrofitting by the affirmative vote of two-thirds a majority of all voting interests in the affected condominium. There is no requirement that owners in condominiums of 75 feet or less conduct an opt-out vote and such condominiums are exempt from fire sprinkler or other engineered life safety retrofitting. The preceding sentence is intended to clarify existing law. The local authority having jurisdiction may not require completion of retrofitting with a fire sprinkler system or other engineered life safety system before January 1, 2022 2020. By December 31, 2018 2016, ~~an a residential condominium association that operates a residential condominium that is not in compliance with the requirements for a fire sprinkler system or other engineered life safety system~~ and has not voted to forego retrofitting of such a system must initiate an application for a building permit for the required installation with the local government having jurisdiction demonstrating that the association will become compliant by December 31, 2021 2019.

1. A vote to forego required retrofitting may be obtained by limited proxy or by a ballot personally cast at a duly called

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88 membership meeting, or by execution of a written consent by the  
89 member, or by electronic voting, and is effective upon recording  
90 a certificate executed by an officer or agent of the association  
91 attesting to such vote in the public records of the county where  
92 the condominium is located. When an opt-out vote is to be  
93 conducted at a meeting, the association shall mail or ~~hand~~  
94 deliver to each unit owner written notice at least 14 days  
95 before the membership meeting in which the vote to forego  
96 retrofitting of the required fire sprinkler system or other  
97 engineered life safety system is to take place. Within 30 days  
98 after the association's opt-out vote, notice of the results of  
99 the opt-out vote must be mailed or ~~hand~~ delivered to all unit  
100 owners. Evidence of compliance with this notice requirement must  
101 be made by affidavit executed by the person providing the notice  
102 and filed among the official records of the association. Failure  
103 to provide timely notice to unit owners does not invalidate an  
104 otherwise valid opt-out vote if notice of the results is  
105 provided to the owners. After notice is provided to each owner,  
106 a copy must be provided by the current owner to a new owner  
107 before closing and by a unit owner to a renter before signing a  
108 lease.

109       2. If there has been a previous vote to forego  
110 retrofitting, a vote to require retrofitting may be obtained at  
111 a special meeting of the unit owners called by a petition of at  
112 least 10 percent of the voting interests or by a majority of the  
113 board of directors. The approval of two-thirds of all voting  
114 interests in the affected condominium is required to require  
115 retrofitting. Such a vote may only be called once every 3 years.  
116 Notice shall be provided as required for any regularly called

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117 meeting of the unit owners, and must state the purpose of the  
118 meeting. ~~Electronic transmission may not be used to provide~~  
119 notice of a meeting called in whole or in part for this purpose.

120 3. As part of the information collected annually from  
121 condominiums, the division shall require condominium  
122 associations to report the membership vote and recording of a  
123 certificate under this subsection and, if retrofitting has been  
124 undertaken, the per-unit cost of such work. The division shall  
125 annually report to the Division of State Fire Marshal of the  
126 Department of Financial Services the number of condominiums that  
127 have elected to forego retrofitting. Compliance with this  
128 administrative reporting requirement does not affect the  
129 validity of an opt-out vote.

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

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

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

140 719.1055 Amendment of cooperative documents; alteration and  
141 acquisition of property.—

142 (5) The bylaws must include a provision whereby a  
143 certificate of compliance from a licensed electrical contractor,  
144 ~~or electrician, or professional engineer~~ may be accepted by the  
145 association's board as evidence of compliance of the cooperative

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146 units with the applicable fire and life safety code.

147       (a)1. Notwithstanding chapter 633 or any other code,  
148 statute, ordinance, administrative rule, or regulation, or any  
149 interpretation of the foregoing, an association a cooperative or  
150 unit owner is not obligated to retrofit the common elements or  
151 units of a residential cooperative with a fire sprinkler system  
152 or other engineered life safety system in a building that is 75  
153 feet or less in height. There is no obligation to retrofit for a  
154 building greater than 75 feet in height, calculated from the  
155 lowest level of fire department vehicle access to the floor of  
156 the highest occupiable story, has been certified for occupancy  
157 by the applicable governmental entity if the unit owners have  
158 voted to forego such retrofitting by the affirmative vote of  
159 two-thirds a majority of all voting interests in the affected  
160 cooperative. There is no requirement that owners in cooperatives  
161 of 75 feet or less conduct an opt-out vote and such cooperatives  
162 are exempt from fire sprinkler or other engineered life safety  
163 retrofitting. The preceding sentence is intended to clarify  
164 existing law. The local authority having jurisdiction may not  
165 require completion of retrofitting with a fire sprinkler system  
166 or other engineered life safety system before January 1, 2022  
167 the end of 2019. By December 31, 2018 2016, a cooperative that  
168 is not in compliance with the requirements for a fire sprinkler  
169 system or other engineered life safety system and has not voted  
170 to forego retrofitting of such a system must initiate an  
171 application for a building permit for the required installation  
172 with the local government having jurisdiction demonstrating that  
173 the cooperative will become compliant by December 31, 2021 2019.

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

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175 by limited proxy or by a ballot personally cast at a duly called  
176 membership meeting, or by execution of a written consent by the  
177 member, or by electronic voting, and is effective upon recording  
178 a certificate executed by an officer or agent of the association  
179 attesting to such vote in the public records of the county where  
180 the cooperative is located. When the opt-out vote is to be  
181 conducted at a meeting, the cooperative shall mail or ~~hand~~  
182 deliver to each unit owner written notice at least 14 days  
183 before the membership meeting in which the vote to forego  
184 retrofitting of the required fire sprinkler system or other  
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190 and filed among the official records of the cooperative. Failure  
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192 otherwise valid opt-out vote if notice of the results is  
193 provided to the owners. After notice is provided to each owner,  
194 a copy must be provided by the current owner to a new owner  
195 before closing and by a unit owner to a renter before signing a  
196 lease.

197 (b) If there has been a previous vote to forego  
198 retrofitting, a vote to require retrofitting may be obtained at  
199 a special meeting of the unit owners called by a petition of  
200 least 10 percent of the voting interests or by a majority of the  
201 board of directors. The approval of two-thirds of all voting  
202 interests in the affected condominium is required to require  
203 retrofitting. Such vote may only be called once every 3 years.

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204 Notice must be provided as required for any regularly called  
205 meeting of the unit owners, and the notice must state the  
206 purpose of the meeting. ~~Electronic transmission may not be used~~  
207 ~~to provide notice of a meeting called in whole or in part for~~  
208 ~~this purpose.~~

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

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