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Retrofitting In Condominiums The Clock Is Ticking

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Recent changes to Florida Statutes have included provisions in the Fire Safety Code that requires condominiums to undertake installation and/or changes to certain fire/safety related devices within the condominiums. Due to the significant expense typically required to retrofit a condominium in the manner contemplated in the Fire Safety Code, and in recognition of the significant burden this would place on the unit owners, changes to the Condominium Act (Chapter 718 of Florida Statutes) allows an association to vote to “opt-out” of the requirement to retrofit the fire sprinkler system that services the condominium, including the common elements, association property, and the units.

Specifically, Section 718.112(2)(l) F. S., allows an association to vote to forego the retrofitting of the fire sprinkler system for the common elements, association property, and units, upon the approval of a majority of the entire membership. The vote may be undertaken at a duly-noticed membership meeting, or via the written consent process in lieu of having a membership meeting.

If a membership meeting is held, the Statute requires 14-day advance written notice be sent to the entire membership via mail or hand-delivery. The vote to forego the retrofit is considered effective once a Certificate is recorded in the Public Records of the County where the condominium is located, attesting to the vote. Additionally, if the vote is undertaken, the association must send written notice to the entire membership of such decision within 30 days of the vote (an Affidavit of Mailing must be executed and kept in the Official Records of the association demonstrating that this notice of the results of the vote was delivered to the membership). Finally, if (and when) the retrofit “opt-out” vote is undertaken, the Statute requires the association to report the results of the vote to the Division of Florida Condominiums, Timeshares, and Mobile Homes (“Division”).