THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Governmental Oversight and Accountability, *Chair*
Judiciary, *Vice Chair*
Appropriations
Appropriations Subcommittee on Education
Children, Families, and Elder Affairs
Commerce and Tourism

SENATOR JEREMY RING
29th District

July 28, 2016

Kevin Stanfield, Director
Office of the Director
Division of Florida Condominiums,
Timeshares, and Mobile Homes
2601 Blair Stone Road
Northwood Centre, Suite 16
Tallahassee, FL 32399-1030

Re: Requirement for Retrofitting Fire Sprinklers in Condominium Buildings

Dear Director Stanfield:

I have been made aware of statements made to the press by Division representatives regarding the requirement for retrofitting fire sprinklers in condominium buildings. The statement suggests that all condominiums must retrofit unless a vote to "opt out" is taken by December 31, 2016. I respectfully disagree with that interpretation, which is causing some anxiety to condominium association boards across the State of Florida.

The requirement for sprinkler retrofitting arises from Chapter 633 of the Florida Statutes, which incorporates National Fire Protection Association (NFPA) standards. The NFPA requires "high rise" buildings (buildings in excess of 75 feet) to retrofit. There may be other circumstances where buildings less than 75 feet in height must be equipped with fire sprinklers, but there is no blanket requirement that all condominiums in the State of Florida, regardless of height or occupancy or date of construction, be equipped or retrofitted with fire sprinklers. The condominium law does not impose retrofitting requirements nor does the statute confer jurisdiction on the Division to interpret or enforce life safety laws. That function, as to this issue, lies with the Fire Marshal.

Chapter 718 of the Florida Statutes merely specifies the procedure for condominium buildings which are otherwise required to retrofit fires sprinklers or other apparatus to "opt out" of the requirement. The original "opt out law" was enacted in 2003 and has since been amended two times. One such change occurred in 2010, through SB 1222/SB1196, enacted as Chapter No. 2010-174, Laws of Florida, of which I was a Co-Sponsor. It is my understanding that the Division believes the removal of the reference to "high rise buildings" signified a legislative intent to create

REPLY TO:
❒ 5790 Margate Boulevard, Margate, Florida 33063 (954) 917-1392 FAX: (954) 917-1394
❒ 405 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5029

Senate's Website: *www.flsenate.gov*

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

a retrofitting requirement for all condominium buildings through the condominium statute. This is incorrect.

Chapter 633 through adoption of the NFPA imposes retrofitting requirements, not Chapter 718. The removal of the reference to "high rise" buildings was in recognition of the fact that the Condominium Act is not the place to impose physical requirements relative to life safety standards, this should be left to the appropriate statutes and governmental agencies. I state, unequivocally, as the Co-Sponsor of the 2010 law that it was not my intent, nor the intent of the Legislature, to obliquely impose a substantial economic burden on a large segment of condominium owners.

It is regrettable that the Division's "interpretation" of a 6 year old statutory amendment comes to light through a newspaper quotation a mere 5 months before the opt out deadline expires, and at a time of year when many communities have difficulty conducting business (let alone owner votes) due to seasonal absences. While I recognize that the comments made were undoubtedly in good faith, they are simply an incorrect interpretation of legislative intent. Due to the amount of concern that this newspaper quote has generated, especially in light of its timing, I am requesting that the Division issue a press release consistent with the intent of the Legislature.

Thank you for your attention to these matters

Sincerely

Senator District 29