

## **MEMORANDUM**

Agenda Item No. 11(A)(38)

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**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** April 6, 2010

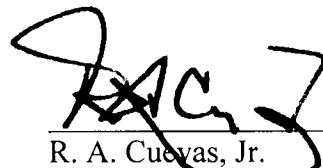
**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution urging the Florida  
Legislature to allow condominium  
associations the right to decide  
whether or not to incur the  
expense of retrofitting their  
condominium buildings with  
various life safety enhancements

**Resolution No. R-414-10**

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



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R. A. Cuevas, Jr.  
County Attorney

RAC/up



# MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

**DATE:** April 6, 2010

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 11(A) (38)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_\_, 3/5's \_\_\_\_\_, unanimous \_\_\_\_\_) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor

Agenda Item No. 11(A) (38)

Veto \_\_\_\_\_

4-6-10

Override \_\_\_\_\_

**RESOLUTION NO. R-414-10**

**RESOLUTION URGING THE FLORIDA LEGISLATURE TO ALLOW CONDOMINIUM ASSOCIATIONS THE RIGHT TO DECIDE WHETHER OR NOT TO INCUR THE EXPENSE OF RETROFITTING THEIR CONDOMINIUM BUILDINGS WITH VARIOUS LIFE SAFETY ENHANCEMENTS**

**WHEREAS**, there are approximately 57,000 community associations in the State of Florida, including condominium and cooperative associations; and

**WHEREAS**, the National Fire Protection Association (NFPA) 101 Life Safety Code is currently in use in all 50 states and has been adopted statewide in 43 states, including Florida; and

**WHEREAS**, the NFPA 101 Life Safety Code addresses minimum building design, construction, operation and maintenance requirements necessary to protect building occupants from danger caused by fire, smoke, and toxic fumes; and

**WHEREAS**, when most states adopted the Life Safety Code, they made exceptions and accommodations for existing residential structures such as condominium buildings, but the State of Florida did not provide for such exceptions and has not to date; and

**WHEREAS**, retrofitting existing condominium buildings to the Life Safety Code frequently means costly retrofits to existing elevators, sprinkler systems and fire alarms; and

**WHEREAS**, in terms of residential foreclosure filings and devaluation of property values, Florida currently is one of the leading states in the U.S., and Miami-Dade County is one of the leading counties in the U.S.; and

**WHEREAS**, foreclosures and devaluation are particularly a problem for condominium units; and

**WHEREAS**, there are many condominium associations in Miami-Dade County that would be adversely impacted by the costly life safety retrofits currently required under Florida law, including retrofits to sprinklers, fire alarms and elevators; and

**WHEREAS**, the Florida Legislature has twice before unanimously passed legislation to extend retrofit relief to the millions of impacted Floridians but such legislation was vetoed both times by the Governor; and

**WHEREAS**, during the 2009 session, the Legislature passed but the Governor vetoed SB 714 which would have extended from 2014 to 2025 the date after which local authorities could require the retrofit of common areas in condominium buildings with a fire sprinkler system; and

**WHEREAS**, similarly during the 2006 session, the Legislature passed but the Governor vetoed similar legislation, HB 391 that would have extended from 2014 to 2025 the date for such retrofits; and

**WHEREAS**, this Board understands and appreciates the adverse economic impacts that could ensue should such retrofit relief not pass during the 2010 session; and

**WHEREAS**, in many cases, condominium buildings provide housing options that are more affordable than single-family homes; and

**WHEREAS**, condominium buildings also often have large numbers of residents who are elderly and on fixed incomes and cannot afford the substantial cost of retrofits; and

**WHEREAS**, there are bills currently moving through committees that include language that would allow each community association's membership the right to decide for themselves

whether or not to incur the expense for common elements or individual units of making life safety retrofits, including retrofits to sprinklers, fire alarms and elevators; and

**WHEREAS**, these bills include the Committee Substitute to SB 1196 & SB 1222 by Senators Mike Fasano (R – New Port Richey) and Jeremy Ring (D – Margate), SB 648 by Senator Mike Bennett (R - Bradenton), HB 561 by Representative Ellyn Bogdanoff (R – Fort Lauderdale), HB 663 by Representative Gary Aubuchon (R – Cape Coral); and

**WHEREAS**, this Board supports the efforts of these legislators to help millions of financially struggling residents of Florida related to retrofits,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

Section 1. Urges the Florida Legislature to allow condominium associations the right to decide whether or not to incur the expense of retrofitting their condominium buildings with various life safety enhancements.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2010 and 2011 State Legislative Packages.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner **Jose “Pepe” Diaz**, who moved its adoption. The motion was seconded by Commissioner **Dorrian D. Rolle** and upon being put to a vote, the vote was as follows:

	Dennis C. Moss, Chairman	<b>aye</b>	
	Jose "Pepe" Diaz, Vice-Chairman	<b>aye</b>	
Bruno A. Barreiro	<b>absent</b>	Audrey M. Edmonson	<b>absent</b>
Carlos A. Gimenez	<b>aye</b>	Sally A. Heyman	<b>aye</b>
Barbara J. Jordan	<b>aye</b>	Joe A. Martinez	<b>aye</b>
Dorrin D. Rolle	<b>aye</b>	Natacha Seijas	<b>aye</b>
Katy Sorenson	<b>aye</b>	Rebeca Sosa	<b>aye</b>
Sen. Javier D. Souto	<b>aye</b>		

The Chairperson thereupon declared the resolution duly passed and adopted this 6<sup>th</sup> day of April, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
 BY ITS BOARD OF  
 COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK



By: **DIANE COLLINS**  
 Deputy Clerk

Approved by County Attorney as  
 to form and legal sufficiency.

Jess M. McCarty