

Welcome! Fire Sprinkler System Opt Out



Hello and Happy 2016! Hope everyone had a fantastic New Year. Nothing like a new year to get rejuvenated and start afresh.

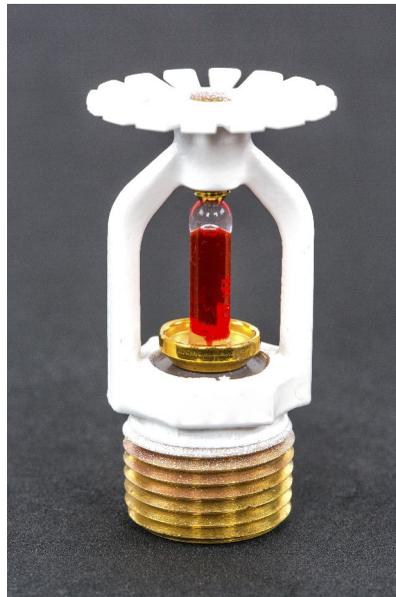
I was walking my dog in the neighborhood last week and noticed something out of the corner of my eye. As I looked up, I thought I was watching a UFO, but it was only a drone. Someone was watching me walk my dog! Must have been a boring day for them. But what about drones in your community? See the Did You Know article on the next page.

The right to bear arms has been front and center in many states and communities. Can an association pass rules and regulations prohibits guns in the community? In the common areas? In the units? Check out my partner Donna Berger's blog on this sensitive issue at www.communityassociationlawblog.com/

Do you have electric cars in your community? How do they get charged—association outlets? Do the owners pay for the electricity? Can the association install charging stations? Who pays for such installation? Can the installation of a charging station be considered a material alteration? What does that mean? These issues will be addressed in upcoming issues of Managers Minute.

Howard J. Perl
Shareholder

2016 is an important year if your association is considering whether or not to opt out of retrofitting the common elements, association property or units in a residential condominium pursuant to Section 718.112(2)(l), Florida Statutes, which provides, in part, as follows:



Notwithstanding chapter 633 or of any other code, statute, ordinance, administrative rule, or regulation, or any 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 in a building that 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 a majority of all voting interests in the affected condominium.** The local authority having jurisdiction may not require completion of retrofitting with a

fire sprinkler system before January 1, 2020. By December 31, 2016, a residential condominium association that is not in compliance with the requirements for a fire sprinkler 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, 2019. ... (Emphasis added.)

Section 719.1055(5)(a)(1), Florida Statutes, has essentially the same provisions regarding cooperative associations.

Please note that if an association has not opted out of retrofitting, it no longer has the ability to do so and must initiate the building permit process to retrofit with a sprinkler system.

Obviously retrofitting with a fire sprinkler system can be very expensive, sometimes in the millions of dollars depending on the size of the building. I know many associations have been putting this off, thinking 2016 would not be here for a while. Well, it's here!

If your association is even considering such an opt out vote, get in touch with your association attorney now to start the process. If your association is not aware of this requirement or ability to opt out, make them aware now. Even though it is only January, December will be here before you know it.

Did You Know?

Drone issues are becoming more prevalent in community associations. Can the Board pass rules and regulations regarding drones? Can the association use drones for inspections and enforcement? Can my neighbor fly his drone by my balcony? Check with your association attorney regarding the board's ability to address this new and expanding issue for community associations.

This Month's Tip...

With elections upcoming or recently completed, don't forget about the Board Member Certification requirement. It is recommended that all board members attend a class for their certification. Sign up for one of ours listed below!

Upcoming Classes and Events



Condo Board Certification Course	February 2, 2016	Naples
Board Member Certification for Condos/HOA/Co-ops	February 3, 2016	Miami
Board Certification Course for Condo/HOA/Co-op	February 3, 2016	Ft. Lauderdale
Board Member Certification for CONDOS ONLY	February 4, 2016	Ft. Myers
You've Got Questions? We've Got Answers: Screening and Discrimination - CLIENTS ONLY	February 9, 2016	West Palm Beach
Board Certification Course for Condo/HOA/Co-op	February 9, 2016	Ft. Lauderdale
Board Certification Course for Homeowner Associations	February 10, 2016	Sarasota
Board Member Certification for Condos ONLY	February 18, 2016	Stuart (Vero Beach)
Board Member Certification for HOAs ONLY	February 18, 2016	West Palm Beach
2016 Legal Update	February 18, 2016	Ft. Lauderdale
Board Member Certification - Condo Only	February 22, 2016	West Palm Beach
Board Member Certification for HOAs ONLY	February 23, 2016	Stuart (Vero Beach)
Is A "No Pet" Building A Thing Of The Past?	February 24, 2016	Sarasota

Classes may be subject to change.

Complete and updated information and registration for the above as well as all of our over 25 FREE courses can be found at <http://www.bplegal.com/events>.

ALL COURSES ARE FREE. LIGHT REFRESHMENTS ARE SERVED. MOST COURSES QUALIFY FOR MANAGER CEUs.