

**From:** Lauri Stevens <lauris@elliottmerrill.com>  
**Date:** September 26, 2016 at 8:50:23 AM EDT  
**To:** Al Jakells <aj944@icloud.com>, Bette Tsoutsouras <tsou@comcast.net>, Bob Gardell <rwg55chevy@aol.com>, Bud Rodgers <rodgersretired1@aol.com>, Cathie Dowhan <cdowhan@aol.com>, Ralph McCrea <rsmccrea@bellsouth.net>, Susan Hansen <jsvero88@gmail.com>  
**Subject:** Opt out vote

Board,

Please see attached letter from the Association's attorney regarding the opt-out vote for fire sprinklers and hand and guard rail installation. Per Florida Stats the Association has the right to vote to opt-out on both by the end of the year to avoid extreme costs to the Association which in turn will result in a special assessment to owners.

This will be a special member's meeting which I'm going to schedule for Wednesday, October 26<sup>th</sup> at 10 am. If owner's cannot attend they will be able to submit a proxy for a quorum and their vote.


Please let me know if you have any questions.

Thank you,

*Lauri Stevens*

Assistant to Rick Kimes  
Community Manager  
Elliott Merrill Community Management  
772-466-2630 or 772-569-9853  
772-569-4300 - Fax

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**PEBBLE BEACH VILLAS, INC.  
LIMITED PROXY  
SPECIAL MEETING OF MEMBERS**

The undersigned, being the owner or voting representative of unit \_\_\_\_\_ in Pebble Beach Villas, hereby appoints \_\_\_\_\_, (or if I have not appointed a proxy holder above, I hereby appoint the President of the Association as my proxy holder), with full power of substitution, to attend the meeting in my place for the purpose of establishing a quorum, and to vote and act for me only as I specifically instruct in reference to the following matters on behalf of Pebble Beach Villas, Inc. at the special meeting of members of the Association on 10/26/16, 2016, at 10:00 .m., to be held in \_\_\_\_\_, or any adjournment or adjournments thereof.

Please indicate your preference by placing an "X" on the appropriate lines.

I SPECIFICALLY AUTHORIZE AND INSTRUCT MY PROXY HOLDER TO CAST MY VOTE IN REFERENCE TO THE FOLLOWING MATTER AS INDICATED BELOW:

Shall the Association opt out of the fire sprinkler retro-fitting, hand and guardrail requirements?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

The undersigned ratifies and confirms any and all acts and things that the Proxy may do or cause to be done in the premises, whether at the meeting referred to above, or at any change, adjournment or continuation of it, authorizes and instructs the proxy to use their best judgment on all other matters which properly come before the meeting and which a general power may be used, and revokes all prior Proxies previously executed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Owner or Voting Representative

This Proxy must be completed, signed by the owner of the subject Condominium Unit, or the voting representative for the unit and filed with the Secretary of the Association by no later than the date and time of the meeting. It should be completed if you have any doubts about attending the meeting. If you select a Proxy Holder and do attend the meeting, this Proxy will not count, and you will be allowed to vote at the meeting in person. The Proxy Holder who you choose must attend the meeting to obtain a ballot and to have your vote count. It is important for you to notify the person you choose as a Proxy Holder, so that they are aware of your choice and to ensure their attendance at the meeting.

Dear Members:

It has come to our attention that the law requires residential condominiums to retrofit their units and common elements with a fire sprinkler system, hand and guardrails. While these requirements have been in the law for some time, the deadline to comply continued to be pushed back for years. It does not appear that the deadline will be changed again.

The Florida Statutes allow residential condominiums an opportunity to "opt out" of the fire sprinkler, hand and guardrail retrofitting requirements. The Association must hold a Members' Meeting and vote, by a majority of the voting interests, to opt out of the requirements. If the Members decide to opt out of the requirements, then the result of the vote must be submitted to the Florida Department of Business and Profession Regulations by December 31, 2016.

Our attorneys have informed us that while the Department of Business and Professional Regulations and Florida Fire Marshalls may only enforce high rise retrofitting now, the Code could change in the future leaving us vulnerable if we did not opt out of the requirements when given the opportunity. This is the only opportunity to opt out of the fire sprinkler requirements allowed by the statutes.

Based upon a rough estimate from fire safety experts, the cost for a complete retrofit of the buildings with a fire sprinkler system could exceed **\$2,000,000**. The total cost would be covered by a special assessment to owners.

We, the Board of Directors, have decided to call a Special Members' Meeting to vote on opting out of the requirements. We believe opting out of the requirements will protect the Association from future changes in the Code while still giving the Association an option to retrofit in the future if the Members decide it is in our best interests to do so, on our own schedule.

The Notice of Special Members' Meeting and Limited Proxy are enclosed herein for your vote. The Meeting will take place on 10/26/16 as set forth in the Notice. Please return your signed Proxy as soon as possible.

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