

By Senator Hooper

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1 A bill to be entitled
2 An act relating to firesafety systems; amending s.
3 163.08, F.S.; revising the definition of the term
4 "qualifying improvement" to include improvements to
5 retrofit existing high-rise residential condominiums
6 with certain fire sprinkler systems; amending s.
7 633.312, F.S.; requiring that certain fire protection
8 system inspection reports be submitted pursuant to a
9 statewide uniform set of procedures; authorizing local
10 authorities having jurisdiction to accept such reports
11 by certain means; requiring the State Fire Marshal to
12 adopt a certain rule; providing that such inspection
13 reports may not be subject to certain requirements;
14 amending s. 718.112, F.S.; requiring that condominium
15 association bylaws provide requirements for the
16 association's reasonable compliance with the Florida
17 Fire Prevention Code; defining the term "reasonable
18 compliance"; providing construction; specifying
19 authorized means of compliance for certain residential
20 condominiums; deleting a requirement for association
21 bylaws to contain a certain certificate of compliance
22 provision; deleting an exemption from a requirement to
23 retrofit certain condominium property with a fire
24 sprinkler system; deleting procedures for such
25 exemption; extending the date before which a local
26 authority having jurisdiction may not require
27 completion of retrofitting with a fire sprinkler
28 system; specifying the date before which a local
29 authority having jurisdiction may not require

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30 completion of installation of an engineered life
31 safety system; requiring a residential condominium
32 association that is not in compliance with certain
33 requirements to perform certain duties by specified
34 dates; providing a penalty; requiring the Division of
35 Florida Condominiums, Timeshares, and Mobile Homes of
36 the Department of Business and Professional Regulation
37 to collect such penalty payments and remit them to the
38 Firefighter Assistance Grant Program within the
39 Division of State Fire Marshal of the Department of
40 Financial Services; deleting an obsolete provision;
41 deleting requirements for condominium associations to
42 report certain information to the Division of Florida
43 Condominiums, Timeshares, and Mobile Homes and for the
44 division to report certain information to the Division
45 of State Fire Marshal; amending s. 718.120, F.S.;
46 authorizing condominium associations, under certain
47 circumstances, to elect to be assessed certain taxes
48 and assessments upon the condominium property as a
49 whole; specifying when such election must be made;
50 authorizing such associations to elect for condominium
51 parcels to be assessed separately after certain
52 conditions are met; reenacting s. 288.9606(7)(c),
53 F.S., relating to the issuance of revenue bonds, to
54 incorporate the amendment made to s. 163.08, F.S., in
55 a reference thereto; providing an effective date.

56
57 Be It Enacted by the Legislature of the State of Florida:
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59 Section 1. Paragraph (b) of subsection (2) of section
60 163.08, Florida Statutes, is amended to read:

61 163.08 Supplemental authority for improvements to real
62 property.—

63 (2) As used in this section, the term:

64 (b) "Qualifying improvement" includes any:

65 1. Energy conservation and efficiency improvement, which is
66 a measure to reduce consumption through conservation or a more
67 efficient use of electricity, natural gas, propane, or other
68 forms of energy on the property, including, but not limited to,
69 air sealing; installation of insulation; installation of energy-
70 efficient heating, cooling, or ventilation systems; building
71 modifications to increase the use of daylight; replacement of
72 windows; installation of energy controls or energy recovery
73 systems; installation of electric vehicle charging equipment;
74 and installation of efficient lighting equipment.

75 2. Renewable energy improvement, which is the installation
76 of any system in which the electrical, mechanical, or thermal
77 energy is produced from a method that uses one or more of the
78 following fuels or energy sources: hydrogen, solar energy,
79 geothermal energy, bioenergy, and wind energy.

80 3. Wind resistance improvement, which includes, but is not
81 limited to:

- 82 a. Improving the strength of the roof deck attachment;
83 b. Creating a secondary water barrier to prevent water
84 intrusion;
85 c. Installing wind-resistant shingles;
86 d. Installing gable-end bracing;
87 e. Reinforcing roof-to-wall connections;

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88 f. Installing storm shutters; or

89 g. Installing opening protections.

90 4. Improvement to retrofit an existing high-rise

91 residential condominium with a fire sprinkler system in

92 accordance with the Florida Fire Prevention Code adopted

93 pursuant to s. 633.202, which includes:

94 a. Fire sprinkler systems and related improvements; or

95 b. Engineered life safety system improvements.

96 Section 2. Present subsections (4) and (5) of section
97 633.312, Florida Statutes, are redesignated as subsections (5)
98 and (6), respectively, a new subsection (4) is added to that
99 section, and subsection (3) of that section is republished, to
100 read:

101 633.312 Inspection of fire control systems, fire hydrants,
102 and fire protection systems.—

103 (3) The inspecting contractor shall provide to the building
104 owner or hydrant owner and the local authority having
105 jurisdiction a copy of the applicable inspection report
106 established under this chapter. The maintenance of fire hydrant
107 and fire protection systems as well as corrective actions on
108 deficient systems is the responsibility of the owner of the
109 system or hydrant. Equipment requiring periodic testing or
110 operation to ensure its maintenance shall be tested or operated
111 as specified in the Fire Prevention Code, Life Safety Code,
112 National Fire Protection Association standards, or as directed
113 by the appropriate authority, provided that such appropriate
114 authority may not require a sprinkler system not required by the
115 Fire Prevention Code, Life Safety Code, or National Fire
116 Protection Association standards to be removed regardless of its

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117 condition. This section does not prohibit governmental entities
118 from inspecting and enforcing firesafety codes.

119 (4) A fire protection system inspection report provided by
120 a contractor in accordance with subsection (3) must be submitted
121 pursuant to a statewide uniform set of procedures. A local
122 authority having jurisdiction may accept such contractor
123 inspection reports directly or through a third-party electronic
124 submission vendor. The State Fire Marshal shall adopt a rule
125 requiring all third-party vendors or local authorities having
126 jurisdiction to follow a standardized procedure, including:

127 (a) A uniform reporting format that must be used by all
128 local authorities having jurisdiction and that is designed to
129 reduce the amount of information a contractor must manually
130 input into the system.

131 (b) A set of uniform submission procedures to be used by
132 local authorities having jurisdiction or by vendors.

133
134 The rule must allow a contractor to attach additional documents,
135 including the contractor's detailed inspection report, to the
136 submission. A contractor's inspection report is not required to
137 follow a standardized format, and a vendor or local authority
138 having jurisdiction may not require a contractor to enter the
139 details of the inspection report or of the deficiency repair
140 status into an electronic system.

141 Section 3. Paragraph (1) of subsection (2) of section
142 718.112, Florida Statutes, is amended to read:

143 718.112 Bylaws.—

144 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the
145 following and, if they do not do so, shall be deemed to include

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146 the following:

147 (1) Firesafety.—An association must ensure reasonable
148 compliance with the Florida Fire Prevention Code. For purposes
149 of this paragraph, the term "reasonable compliance" means the
150 ability to select alternative solutions to ensure that the
151 property meets the level of firesafety required by the Florida
152 Fire Prevention Code. As to a residential condominium building
153 that is a high-rise building as defined under the Florida Fire
154 Prevention Code, the association may either retrofit a fire
155 sprinkler system or install an engineered life safety system as
156 specified in the Florida Fire Prevention Code ~~Certificate of~~
157 ~~compliance.~~— A provision that a certificate of compliance from a
158 licensed electrical contractor or electrician may be accepted by
159 the association's board as evidence of compliance of the
160 condominium units with the applicable fire and life safety code
161 must be included. Notwithstanding chapter 633 or of any other
162 code, statute, ordinance, administrative rule, or regulation, or
163 any interpretation of the foregoing, an association, residential
164 condominium, or unit owner is not obligated to retrofit the
165 common elements, association property, or units of a residential
166 condominium with a fire sprinkler system in a building that has
167 been certified for occupancy by the applicable governmental
168 entity if the unit owners have voted to forego such retrofitting
169 by the affirmative vote of a majority of all voting interests in
170 the affected condominium.

171 1. The local authority having jurisdiction may not require
172 completion of retrofitting with a fire sprinkler system or
173 completion of installation of an engineered life safety system
174 before January 1, 2023 ~~2020~~. A residential condominium

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175 association that is not in compliance with the requirements for
176 a fire sprinkler system or an engineered life safety system
177 shall:

178 a. By July 1, 2020, submit a final fire sprinkler permit
179 application and supporting documents to the authority having
180 jurisdiction;

181 b. By July 1, 2021, obtain all necessary permits; and

182 c. By December 31, 2022, pass final inspection.

183
184 If a residential condominium association fails to timely comply
185 with the requirements of this subparagraph, the authority having
186 jurisdiction shall assess a penalty against the association in
187 the amount of \$500 per day until it attains compliance. The
188 Division of Florida Condominiums, Timeshares, and Mobile Homes
189 of the Department of Business and Professional Regulation shall
190 collect all such payments and remit them to the Firefighter
191 Assistance Grant Program created under s. 633.135 ~~By December~~
192 ~~31, 2016, a residential condominium association that is not in~~
193 ~~compliance with the requirements for a fire sprinkler system and~~
194 ~~has not voted to forego retrofitting of such a system must~~
195 ~~initiate an application for a building permit for the required~~
196 ~~installation with the local government having jurisdiction~~
197 ~~demonstrating that the association will become compliant by~~
198 ~~December 31, 2019.~~

199 ~~1. A vote to forego retrofitting may be obtained by limited~~
200 ~~proxy or by a ballot personally cast at a duly called membership~~
201 ~~meeting, or by execution of a written consent by the member, and~~
202 ~~is effective upon recording a certificate attesting to such vote~~
203 ~~in the public records of the county where the condominium is~~

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204 ~~located. The association shall mail or hand deliver to each unit~~
205 ~~owner written notice at least 14 days before the membership~~
206 ~~meeting in which the vote to forego retrofitting of the required~~
207 ~~fire sprinkler system is to take place. Within 30 days after the~~
208 ~~association's opt-out vote, notice of the results of the opt-out~~
209 ~~vote must be mailed or hand delivered to all unit owners.~~
210 ~~Evidence of compliance with this notice requirement must be made~~
211 ~~by affidavit executed by the person providing the notice and~~
212 ~~filed among the official records of the association. After~~
213 ~~notice is provided to each owner, a copy must be provided by the~~
214 ~~current owner to a new owner before closing and by a unit owner~~
215 ~~to a renter before signing a lease.~~

216 ~~2. If there has been a previous vote to forego~~
217 ~~retrofitting, a vote to require retrofitting may be obtained at~~
218 ~~a special meeting of the unit owners called by a petition of at~~
219 ~~least 10 percent of the voting interests. Such a vote may only~~
220 ~~be called once every 3 years. Notice shall be provided as~~
221 ~~required for any regularly called meeting of the unit owners,~~
222 ~~and must state the purpose of the meeting. Electronic~~
223 ~~transmission may not be used to provide notice of a meeting~~
224 ~~called in whole or in part for this purpose.~~

225 ~~3. As part of the information collected annually from~~
226 ~~condominiums, the division shall require condominium~~
227 ~~associations to report the membership vote and recording of a~~
228 ~~certificate under this subsection and, if retrofitting has been~~
229 ~~undertaken, the per unit cost of such work. The division shall~~
230 ~~annually report to the Division of State Fire Marshal of the~~
231 ~~Department of Financial Services the number of condominiums that~~
232 ~~have elected to forego retrofitting.~~

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233 ~~2.4.~~ Notwithstanding s. 553.509, a residential association
234 may not be obligated to, and may forego the retrofitting of, any
235 improvements required by s. 553.509(2) upon an affirmative vote
236 of a majority of the voting interests in the affected
237 condominium.

238 Section 4. Section 718.120, Florida Statutes, is amended to
239 read:

240 718.120 Separate taxation of condominium parcels; survival
241 of declaration after tax sale; assessment of timeshare estates;
242 assessment election after qualifying improvements.—

243 (1) Ad valorem taxes, benefit taxes, and special
244 assessments by taxing authorities shall be assessed against the
245 condominium parcels and not upon the condominium property as a
246 whole. No ad valorem tax, benefit tax, or special assessment,
247 including those made by special districts, drainage districts,
248 or water management districts, may be separately assessed
249 against recreational facilities or other common elements if such
250 facilities or common elements are owned by the condominium
251 association or are owned jointly by the owners of the
252 condominium parcels. Each condominium parcel shall be separately
253 assessed for ad valorem taxes and special assessments as a
254 single parcel. The taxes and special assessments levied against
255 each condominium parcel shall constitute a lien only upon the
256 condominium parcel assessed and upon no other portion of the
257 condominium property.

258 (2) All provisions of a declaration relating to a
259 condominium parcel which has been sold for taxes or special
260 assessments survive and are enforceable after the issuance of a
261 tax deed or master's deed, upon foreclosure of an assessment, a

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262 certificate or lien, a tax deed, tax certificate, or tax lien,
263 to the same extent that they would be enforceable against a
264 voluntary grantee of the title immediately prior to the delivery
265 of the tax deed, master's deed, or clerk's certificate of title
266 as provided in s. 197.573.

267 (3) Condominium property divided into fee timeshare real
268 property shall be assessed for purposes of ad valorem taxes and
269 special assessments as provided in s. 192.037.

270 (4) Notwithstanding subsection (1), a condominium
271 association that elects to make a qualifying improvement under
272 s. 163.08(2)(b)4. may elect to be assessed upon the condominium
273 property as a whole, rather than assigning to each unit owner a
274 portion of the common area's value. Such election must be made
275 to the taxing authorities before implementing such improvements.
276 Upon completion of the improvements and termination of any
277 finance agreements under s. 163.08, a condominium association
278 may elect that condominium property be assessed as provided
279 under subsection (1).

280 Section 5. For the purpose of incorporating the amendment
281 made by this act to section 163.08, Florida Statutes, in a
282 reference thereto, paragraph (c) of subsection (7) of section
283 288.9606, Florida Statutes, is reenacted to read:

284 288.9606 Issue of revenue bonds.—

285 (7) Notwithstanding any provision of this section, the
286 corporation in its corporate capacity may, without authorization
287 from a public agency under s. 163.01(7), issue revenue bonds or
288 other evidence of indebtedness under this section to:

289 (c) If permitted by federal law, finance qualifying
290 improvement projects within the state under s. 163.08.

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Section 6. This act shall take effect upon becoming a law.