

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1061 Community Association Fire and Life Safety Systems  
**SPONSOR(S):** Moraitis, Jr.  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 1432

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Careers & Competition Subcommittee	8 Y, 7 N, As CS	Brackett	Anstead
2) Government Operations & Technology Appropriations Subcommittee			
3) Commerce Committee			

### SUMMARY ANALYSIS

The Division of Florida Condominiums, Timeshares, and Mobile Homes (Division), located within the Department of Business and Professional Regulation, has regulatory authority over condominium and cooperative associations.

Florida's fire prevention and control law, ch. 633, F.S., designates the state's Chief Financial Officer as the State Fire Marshal, and requires the State Fire Marshal to adopt the Florida Fire Prevention Code (Fire Code) by rule every three years. The Fire Code sets forth fire safety standards (including certain national codes) for property, and is enforced by local fire officials within each county, municipality, and special fire districts in the state. The Fire Code requires existing multi-family buildings 75 feet or taller to be retrofitted with a fire sprinkler system or an engineered life safety system.

Currently, residential condominium and cooperative associations may vote to waive the requirement to retrofit a building with a fire sprinkler system by a majority vote of the total voting interests. Local governments may not require an association to retrofit a building before the end of 2019.

The bill:

- Provides that an association may vote to waive the requirement to retrofit a building with an engineered life safety system in addition to the current ability to waive a fire sprinkler system;
- Delays the start date that local governments may require an association to retrofit from 2019 to 2022;
- Allows professional engineers to issue certificates of compliance;
- Requires associations to post signs on buildings that do not retrofit;
- Increases the voting percentage necessary to forego retrofitting;
- Extends deadlines for associations to apply for a building permit to retrofit;
- Authorizes electronic voting to forego retrofitting;
- Removes the requirement that a vote to retrofit may only be called once every three years if there has been a previous vote to forego retrofitting; and
- Increases the voting percentage necessary to retrofit if there has been a previous vote to forego retrofitting.

The bill is not expected to have a fiscal impact on state or local government.

The effective date of the bill is July 1, 2018.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

The Division of Condominiums, Timeshares and Mobile Homes (the Division), a division within the Department of Business and Professional Regulation (DBPR), provides consumer protection for Florida residents living in regulated communities through education, complaint resolution, mediation and arbitration, and developer disclosure. The Division has regulatory authority over the following business entities and individuals:

- Condominium Associations;
- Cooperative Associations;
- Florida Mobile Home Parks and related associations;
- Vacation Units and Timeshares;
- Yacht and Ship Brokers and related business entities; and
- Homeowners' Associations (limited to arbitration of election and recall disputes).

A condominium is a form of ownership of real property created pursuant to ch. 718, F.S., comprised of units which may be owned by one or more persons but have an undivided share of access to common facilities.<sup>1</sup> A condominium is created by recording a declaration of condominium in the public records of the county in which the condominium will be located.<sup>2</sup> A declaration governs the relationships among condominium unit owners and the condominium association. All unit owners are members of the condominium association, an entity responsible for the operation of the common elements owned by the unit owners, which operates or maintains real property in which unit owners have use rights. The condominium association is overseen by an elected board of directors, commonly referred to as a “board of administration.” The association enacts condominium association bylaws, which govern the administration of the association, including quorum, voting rights, and election and removal of board members.

A cooperative is a form of property ownership created pursuant to ch. 719, F.S. The real property is owned by the cooperative association, and individual units are leased to the residents who own shares in the cooperative association.<sup>3</sup> The lease payment amount is the pro-rata share of the operational expenses of the cooperative. Cooperatives operate similarly to condominiums and the laws regulating cooperatives are in many instances nearly identical.

##### *State Fire Prevention – State Fire Marshal*

Florida’s fire prevention and control law, ch. 633, F.S., designates the state’s Chief Financial Officer as the State Fire Marshal. The State Fire Marshal, through the Division of State Fire Marshal within the Department of Financial Services (DFS), is charged with enforcing the provisions of ch. 633, F.S., and all other applicable laws relating to fire safety, and has the responsibility to minimize the loss of life and property in this state due to fire.<sup>4</sup> Pursuant to this authority, the State Fire Marshal regulates, trains, and certifies fire service personnel and fire safety inspectors; investigates the causes of fires; enforces arson laws; regulates the installation of fire equipment; conducts fire safety inspections of state property; and operates the Florida State Fire College.

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<sup>1</sup> s. 718.103(11), F.S.

<sup>2</sup> s. 718.104(2), F.S.

<sup>3</sup> s. 719.103(2)(26), F.S.

<sup>4</sup> s. 633.104, F.S.

## *Adoption and Interpretation of the Florida Fire Prevention Code*

The State Fire Marshal also adopts by rule the Florida Fire Prevention Code (Fire Code), which contains all fire safety laws and rules that pertain to the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities, and the enforcement of such fire safety laws and rules, at ch. 69A-60, F.A.C.

The State Fire Marshal adopts a new edition of the Fire Code every three years.<sup>5</sup> The most recent Fire Code is the 6th edition, which is referred to as the 2017 Florida Fire Prevention Code. When adopting the Fire Code the Fire Marshal is required to adopt the most current version of the national fire and life safety standards set forth by the National Fire Protection Association (NFPA) including the:

- NFPA's Fire Code (1);
- Life Safety Code (101); and
- Guide on Alternative Approaches to Life Safety (101A).<sup>6</sup>

The State Fire Marshal may modify the national fire safety and life safety standards as needed to accommodate the specific needs of the state.<sup>7</sup>

The State Marshal has authority to interpret the Code, and is the only authority that may issue a declaratory statement relating to the Fire Code.<sup>8</sup>

### *Fire Safety Enforcement by Local Governments*

State law requires all municipalities, counties, and special districts with fire safety responsibilities to enforce the Fire Code as the minimum fire prevention code to operate uniformly among local governments and in conjunction with the Florida Building Code.<sup>9</sup> These local enforcing authorities may adopt more stringent fire safety standards, subject to certain requirements in s. 633.208, F.S., but may not enact fire safety ordinances that conflict with ch. 633, F.S., or any other state law.<sup>10</sup>

The chiefs of local government fire service providers (or their designees) are authorized to enforce ch. 633, F.S., and rules within their respective jurisdictions as agents of those jurisdictions, not agents of the State Fire Marshal.<sup>11</sup> Each county, municipality, and special district with fire safety enforcement responsibilities is also required to employ or contract with a fire safety inspector (certified by the State Fire Marshal) to conduct all fire safety inspections required by law.<sup>12</sup>

Section 633.208(5), F.S. states "With regard to existing buildings, the Legislature recognizes that it is not always practical to apply any or all of the provisions of the Fire Code and that physical limitations may require disproportionate effort or expense with little increase in fire or life safety." Pursuant to s. 633.208(5), F.S., local fire officials shall apply the Fire Code for existing buildings to the extent practical to ensure a reasonable degree of life safety and safety of property. The local fire officials are also required to fashion reasonable alternatives that afford an equivalent degree of life safety and safety of property.

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<sup>5</sup> s. 633.202, F.S.

<sup>6</sup> s. 633.202(2), F.S. Founded in 1896, the National Fire Protection Association delivers information and knowledge through more than 300 consensus codes and standards, research, training, education, outreach and advocacy; and by partnering with others who share an interest in furthering the mission. NFPA, *About NFPA*, <http://www.nfpa.org/about-nfpa> (last visited on Dec. 7, 2017).

<sup>7</sup> *Id.*

<sup>8</sup> s. 633.104(6), F.S.

<sup>9</sup> ss. 633.108 and 633.208, F.S.

<sup>10</sup> ss. 633.208 and 633.214(4), F.S.

<sup>11</sup> s. 633.118, F.S.

<sup>12</sup> s. 633.216(1), F.S.

### *Fire Sprinklers and Engineered Life safety systems*

The Fire Code requires existing multi-family buildings 75 feet or taller (approximately seven stories),<sup>13</sup> including condominiums and cooperatives, to be retrofitted with fire sprinkler systems.<sup>14</sup> All condominiums and cooperatives built since 1994 that are three stories or more have sprinkler systems and thus are in compliance.<sup>15</sup>

According to DFS, the height requirement to retrofit a building is 75 feet because the majority of fire apparatuses are not capable of reaching a height greater than 75 feet.<sup>16</sup>

The Fire Code allows a building to have an engineered lifesafety system (ELSS) as an alternative to a sprinkler system. The Fire Code defines an ELSS as a system that consists of a combination of:

- partial automatic sprinkler protection;
- smoke detection alarms;
- smoke control; and
- compartmentation or other approved systems.<sup>17</sup>

The Fire Code also does not require existing multi-family buildings 75 feet or taller to retrofit if every dwelling unit in the building has an exterior exit access.<sup>18</sup>

For condominium and cooperative associations that complete retrofitting a certificate of compliance from a licensed electrical contractor or electrician may be accepted as evidence of compliance of the units with the Fire Code.<sup>19</sup> Certified electrical contractors must be certified by the Board of Electrical Contracting. Registered electrical contractors are licensed by a local jurisdiction, and may practice within that locality.<sup>20</sup>

### *History and Current law of retrofitting fire sprinklers and engineered life safety systems*

In 2000, the State Fire Marshal adopted the national fire and life safety standards set forth by the NFPA into the Fire Code. This required existing multi-family buildings 75 feet or taller (approximately seven stories) including condominiums and cooperatives, to be retrofitted with fire sprinkler systems.

In 2003, the Legislature amended the requirement to retrofit a residential condominium or cooperative building by providing that:

- Unit owners in residential condominium and cooperative associations may vote to forego retrofitting a building with a fire sprinkler system or an ELSS. A vote to forego retrofitting required a two-thirds vote of all voting interests in the affected association.
- Local governments may not require an association to retrofit before the end of 2014.
- However, associations could not vote to forego retrofitting a sprinkler system in any “common area” of a “high rise” building.
  - The common area of a high-rise building includes any enclosed hallway, corridor, lobby, stairwell, or entryway.

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<sup>13</sup> Department of Financial Services, Agency Analysis of 2018 House Bill 1061, p. 1 (Jan. 17, 2018).

<sup>14</sup> Section 13.3.2.26 of the 6<sup>th</sup> edition of the Florida Fire Prevention Code (NFPA 1, Fire Code).

<sup>15</sup> s. 553.895(2), F.S.

<sup>16</sup> Email from Kimberly Renspie, Deputy Director of Legislative Affairs, Department of Financial Services, High-Rise Answers (Jan. 26, 2018).

<sup>17</sup> 101:31.3.5.12.3 and 101: 31.3.5.12.4 of the 6<sup>th</sup> edition of the Florida Fire Prevention Code 6<sup>th</sup> edition (NFPA 101, Life Safety Code).

<sup>18</sup> 101:31.3.5.12.2 of the 6<sup>th</sup> edition of the Florida Fire Prevention Code 6<sup>th</sup> edition (NFPA 101, Life Safety Code).

<sup>19</sup> ss. 718.112(2)(l), & 719.1055(5), F.S.

<sup>20</sup> s. 489.505(4)(8)(16), F.S.

- A high-rise building is defined as a building greater than 75 feet in height. The building height is measured from the lowest level of fire department access to the floor of the highest occupiable story.<sup>21</sup>

In 2006, Governor Bush vetoed House Bill 391 of the 2006 Legislative Session, which included a provision that extended the start date that local governments could require associations to retrofit from 2014 to 2025.

In 2009, Governor Crist vetoed Senate Bill 714 of the 2009 Legislative Session, which included a provision that extended the start date that local governments could require associations to retrofit from 2014 to 2025. Governor Crist, also directed DBPR to initiate a review of the costs to retrofit and the impacts retrofitting may have on insurance premiums.<sup>22</sup>

In October 2009, DBPR completed their report. DBPR estimated that retrofitting a condominium with sprinklers would cost from \$595 to \$8,633 per unit. The costs vary depending on a number of factors such as the extent of sprinkler coverage in the building, the age of the building, the size and number of the units, and type of construction.<sup>23</sup> According to DBPR, an association could expect to receive a 5% discount on the “all other perils” portion of their property and casualty insurance policy. DBPR also stated that “many associations have foregone retrofits because they are cash strapped in the current economy. With many units sitting empty or in foreclosure and not paying assessments, some condominiums are scraping by just paying their normal expenses.”<sup>24</sup>

In 2010, the Legislature amended the law regarding retrofitting by:

- Providing that unit owners may vote to forego retrofitting a sprinkler system in common areas of a high rise building.
- Reducing the voting requirement to forego retrofitting a sprinkler system from a two-thirds vote to a majority vote.
- Removing the ability of residential condominium or cooperative associations to vote to forego retrofitting an ELSS.
- Prohibiting local governments from requiring retrofitting before the end of 2019.<sup>25</sup>

In 2017, the Governor vetoed House Bill 653 of the 2017 Legislative Session, which included similar language to House Bill 1061 of the 2018 Legislative Session including the following:

- Allowed condominium or cooperative associations to vote to forego retrofitting an ELSS as well as a fire sprinkler system.
- Provided that a vote to forego retrofitting requires a two-thirds vote of all voting interests.
- Provided that all condominium or cooperative associations that operate buildings that are greater than 75 feet in height may vote to waive retrofitting requirements.
- Prohibited local governments from requiring associations to retrofit until on or after January 1, 2022.
- Extended the time an association has to apply for a building permit, if it has not completed retrofitting or voted to forego retrofitting, from December 31, 2016, to December 31, 2018.
- Required a board that operates a building that has not installed a sprinkler system in the common areas to post a sign on the outside of the building to warn persons conducting fire control and other emergency operations that there is not a sprinkler system in the building;
- Required the State Fire Marshal to promulgate rules regarding the size and color of the sign, the time period within which a sign must be posted, and the location of the sign. However, the rules

<sup>21</sup> ss. 718.112(2)(l) & 719.1055(5) (2003), F.S.

<sup>22</sup> Letter from Charlie Crist, Governor of the state of Fla., to Kurt S. Browning, Sec’y of State (June 1, 2009), [http://www.butler.legal/files/2009\\_sb714.pdf](http://www.butler.legal/files/2009_sb714.pdf) (last visited Jan. 25, 2018).

<sup>23</sup> Department of Business & Professional Regulation, Condominium Sprinkler Retrofit Report, October 2009.

<sup>24</sup> *Id.*

<sup>25</sup> ss. 718.112(2)(l), 719.1055(5), F.S.

may not require a condominium or cooperative to post a sign that diminishes the aesthetic value of a building.

Governor Scott stated his reasons for vetoing were:

“Fire sprinklers and enhanced life safety systems are particularly effective in improving the safety of occupants in high-rise buildings and ensure the greatest protection to the emergency responders who bravely conduct firefighting and rescue operations. While I am particularly sensitive to regulations that increase the cost of living, the recent London high-rise fire, which tragically took at least 79 lives, illustrates the importance of life safety protections.”<sup>26</sup>

Current law provides that:

- An association, residential condominium, or unit owner is not required to retrofit common elements, association property, or units of a residential condominium with a sprinkler system in a building if:
  - The building has been certified for occupancy by the applicable government entity; and
  - The unit owners vote to forego retrofitting by a majority vote of all voting interests.
- Local governments may not require an association to retrofit a fire sprinkler system before the end of 2019.
- An association that has not retrofitted with a sprinkler system or an ELSS, and has not voted to waive retrofitting must initiate an application for a building permit with the local government to begin retrofitting.
- Current law only applies to fire sprinkler systems. There is no statutory authority for associations to forego retrofitting an ELSS.
- Current law only applies to residential condominiums. Nonresidential condominiums may not vote to forego any retrofitting requirements.<sup>27</sup>
  - Residential condominiums consist of two or more units, any of which are intended for use as a private temporary or permanent residence. A condominium that contains commercial and residential units is a mixed-use condominium.<sup>28</sup> Residential cooperatives consist of units, which are intended for use as a private residence. If a cooperative has commercial and residential units then the cooperative is a residential cooperative with respect to those units intended for use as a private residence.<sup>29</sup>

Current law does not specify whether an association has to retrofit or vote to forego retrofitting for a building that is 75 feet or less in height. According to DFS, this has led to numerous interpretations regarding whether an association must retrofit or vote to forego retrofitting a building that is 75 feet or less in height.<sup>30</sup>

### *Vote to Forego Retrofitting*

A vote to forego retrofitting may be obtained by limited proxy, a personally cast ballot at a membership meeting, or by execution of a written consent by the member. An association's vote to forego retrofitting is effective upon recording a certificate attesting to such vote in the public records for the county of the association.<sup>31</sup>

An association must mail or hand deliver each unit owner written notice of the vote. After the vote to forego, notice of the results must be mailed or hand delivered to all unit owners. After notice is provided

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<sup>26</sup> Letter from Rick Scott, Governor of the state of Fla., to Ken Detzner, Sec’y of State (June 26, 2017), <https://www.flgov.com/wp-content/uploads/2017/06/HB-653-Veto-Letter.pdf> (last visited Jan. 25, 2018).

<sup>27</sup> ss. 718.112(2)(l), & 719.1055(5), F.S.

<sup>28</sup> s. 718.103(23), F.S.

<sup>29</sup> s. 719.103(22), F.S.

<sup>30</sup> See Department of Financial Services, Agency Analysis of 2018 House Bill 1061, p. 1 (Jan. 17, 2018).

<sup>31</sup> ss. 718.112(2)(l), & 719.1055(5), F.S.

to each owner, a copy must be provided by the current owner to a new owner before closing, and by a unit owner to a renter before signing a lease.<sup>32</sup>

If there has been a previous vote to forego retrofitting then a vote to require retrofitting may be obtained at a special meeting of the unit owners called by a petition of least 10 percent of the voting interests. Such vote may be called once every 3 years. Electronic transmission may not be used to provide notice of the special meeting.<sup>33</sup>

The Division must require condominium and cooperative associations to report the membership vote and recording of a certificate and, if retrofitting has been undertaken, the per-unit cost of such work. The Division must annually report to the State Fire Marshal the number of associations that have elected to forego retrofitting.<sup>34</sup>

### *Fire safety Signs on Buildings*

In 2008, the Legislature passed the Aldridge/Benge Firefighter Safety Act. The Firefighter Safety Act required any building constructed of light-frame truss-type material to be marked by a sign on the outside of the building.<sup>35</sup> These signs served to warn emergency personnel of the construction material of the building when entering, as truss-type construction tends to suffer structural collapses during fires. The Firefighter Safety Act requires the State Fire Marshal to create rules regarding the color, size, and placement of these signs on all buildings with light-frame truss-type construction.<sup>36</sup> The State Fire Marshal and local fire officials are responsible for the enforcement of these rules.<sup>37</sup> Owners who do not follow these rules are subject to penalties pursuant to the Fire Code.<sup>38</sup>

### *Fire safety requirements for Time Shares*

Pursuant to s. 721.24, F.S., timeshare facilities are required to install a fire sprinkler system for buildings that have been let after September 1, 1983 and are:

- Three stories or more with interior corridors, which do not have direct access from the timeshare unit to an exterior means of egress; or
- Over 75 feet in height that has direct access from the timeshare unit to an exterior means of egress.

Timeshare facilities are required to do the following for buildings that been let before October 1, 1983:

- Install a fire sprinkler system; or
- Install a fire sprinkler for the interior corridors, public areas, storage rooms, closets, kitchen areas, and laundry rooms if:
  - There is a minimum 1-hour separation between each timeshare unit and between each timeshare unit and a corridor;
  - The building is constructed of noncombustible materials;
  - The means of egress meet the requirements of the NFPA Life Safety Code; and
  - The building has a complete automatic fire detection system.<sup>39</sup>

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<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> s. 633.222(1), F.S.

<sup>36</sup> s. 633.222(2), F.S.

<sup>37</sup> s. 633.222(3), F.S.

<sup>38</sup> *Id.*, citing to s. 633.228, F.S.

<sup>39</sup> s. 721.24, F.S.

## **Effect of the Bill**

### *Engineered Life Safety System and Fire Sprinkler Retrofitting*

The bill:

- Provides that an association may vote to forego retrofitting an ELSS as well as a fire sprinkler system.
- Provides that a vote to forego retrofitting requires a two-thirds vote of all voting interests.
- Provides that a vote to retrofit after an affirmative vote to forego retrofitting requires a two-thirds vote of all voting interests.
- Provides that associations do not have to retrofit buildings that are 75 feet or less in height, and therefore, do not have vote to forego retrofitting.
- Allows all associations that operate buildings that are greater than 75 feet in height to vote to waive retrofitting requirements, instead of just residential associations.
- Prohibits a local authority from requiring retrofitting of a fire sprinkler system or an ELSS until on or after January 1, 2022.
- Extends the time an association has to apply for a building permit, if it has not completed retrofitting or voted to forego retrofitting, from December 31, 2016, to December 31, 2018.
- Provides that timeshare condominiums are subject to the fire safety standards found in s. 721.24, F.S., not the provisions of ch. 718, F.S.
- Allows a professional engineer, in addition to an electrical contractor or electrician, to provide a certificate of compliance. Professional engineers must be certified by the Board of Professional Engineers.<sup>40</sup>

### *Vote to Forego Retrofitting*

The bill:

- Adds electronic voting as a means to vote to forego retrofitting.
- Removes the requirement that notice of a vote to forego retrofitting and such results be hand delivered or mailed and instead requires that a notice of a vote to forego retrofitting shall be delivered or mailed to each unit owner.
- Clarifies that failure to timely notice unit owners of the results of a vote to forego retrofitting does not invalidate the results of the vote as long as notice of the results is provided to the unit owners.
- Provides that a majority of the board may hold a special owners meeting to vote to retrofit if there has already been a vote to forego retrofitting.
- Removes the provision that electronic transmission notice may not be used to notice the special meeting.
- Repeals the requirement that a vote to require retrofitting may only be called once every three years if there has already been a previous vote to forego retrofitting.
- Provides that failure to notify the Division of a vote to forego and record the certificate will not affect the validity of the vote to forego.

### *Fire safety Signs on Buildings*

The bill:

- Requires the board of a condominium or cooperative that operates a building that is three stories or more and has not installed a fire sprinkler system in the common areas to post a sign on the outside of the building to warn persons conducting fire control and other emergency operations that there is not a fire sprinkler system in the building; and
- Requires the State Fire Marshal to promulgate rules regarding the size and color of the sign, the time period within which a sign must be posted, and the location of the sign. However, the rules

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<sup>40</sup> s. 471.005(5), F.S.



may not require an association to post a sign that diminishes the aesthetic appearance of a building. The State Fire Marshal and local fire officials are in charge of enforcement of the law and rules. Associations who fail to comply with the requirements are subject to penalties pursuant to the Fire Code.

**B. SECTION DIRECTORY:**

- Section 1.** Creating s. 633.2225, F.S., providing sign requirements for certain condominium and cooperative buildings, requiring the State Fire Marshal to adopt rules governing such signs.
- Section 2.** Amending s. 718.112, F.S., revising requirements to retrofit a condominium building.
- Section 3.** Amending s. 719.1055, F.S., revising requirements to retrofit a cooperative building.
- Section 4.** Providing an effective date.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

- 1. Revenues:  
None.
- 2. Expenditures:  
None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

- 1. Revenues:  
None.
- 2. Expenditures:  
None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Unknown. The bill may have a positive economic impact on condominium and cooperative owners, and a corresponding negative impact on contractors. Property insurance costs and rates may factor into the economic cost. The impact is unknown because it is dependent upon how many associations opt out.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

**1. Applicability of Municipality/County Mandates Provision:**

Not applicable. This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise

revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill authorizes rulemaking by the State Fire Marshal relating to signage for condominium and cooperative buildings without a sprinkler system in common areas.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

According to DFS,

“Within 2017, there were three significant fires in high-rise residential units that are pertinent to this legislation. On June 14, 2017, a fire broke out in one of the residential units of the twenty-four (24) story Grenfell Tower in London, England. Seventy (70) people died in the building in which fire sprinklers were not installed. One month later, on July 14, 2017, three (3) people died in a fire in a thirty-six (36) story Honolulu apartment complex (Marco Polo), which did not have fire sprinklers either. The complex was built in 1971, before fire sprinklers were required and had not been retrofitted with the systems. Even more recent and closer to home, an eighty-six (86)-year old woman died in a fire on the seventeenth (17<sup>th</sup>) floor of a twenty-five (25) story apartment complex in Sunny Isles, Florida on December 7, 2017. The complex did not have fire sprinklers. The events and conditions surrounding these tragic fire deaths should most certainly be examined when reviewing this legislation.”<sup>41</sup>

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On January 30, 2018, the Careers & Competition Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The committee substitute:

- Replaces the term “aesthetic value of the building” with “aesthetic appearance of the building.”

This analysis is drafted to the committee substitute as passed by the Careers & Competition Subcommittee.

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<sup>41</sup> Department of Financial Services, Agency Analysis of 2018 House Bill 1061, p. 3 (Jan. 17, 2018).