

Amendment No. 1.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

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1 Committee/Subcommittee hearing bill: Business & Professions  
2 Subcommittee

3 Representative Donalds offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:  
7 Section 1. Subsection (2) of section 163.08, Florida  
8 Statutes, is amended to read:

9 163.08 Supplemental authority for improvements to real  
10 property.—

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

12 (a) "Local government" means a county, a municipality, a  
13 dependent special district as defined in s. 189.012, or a  
14 separate legal entity created pursuant to s. 163.01(7).

15 (b) "Qualifying improvement" includes any:

Amendment No. 1.

16           1. Energy conservation and efficiency improvement, which  
17 is a measure to reduce consumption through conservation or a  
18 more efficient use of electricity, natural gas, propane, or  
19 other forms of energy on the property, including, but not  
20 limited to, air sealing; installation of insulation;  
21 installation of energy-efficient heating, cooling, or  
22 ventilation systems; building modifications to increase the use  
23 of daylight; replacement of windows; installation of energy  
24 controls or energy recovery systems; installation of electric  
25 vehicle charging equipment; and installation of efficient  
26 lighting equipment.

27           2. Renewable energy improvement, which is the installation  
28 of any system in which the electrical, mechanical, or thermal  
29 energy is produced from a method that uses one or more of the  
30 following fuels or energy sources: hydrogen, solar energy,  
31 geothermal energy, bioenergy, and wind energy.

32           3. Wind resistance improvement, which includes, but is not  
33 limited to:

- 34           a. Improving the strength of the roof deck attachment;  
35           b. Creating a secondary water barrier to prevent water  
36 intrusion;  
37           c. Installing wind-resistant shingles;  
38           d. Installing gable-end bracing;  
39           e. Reinforcing roof-to-wall connections;  
40           f. Installing storm shutters; or

Amendment No. 1.

41 g. Installing opening protections.

42 4. Fire protection improvement, which includes  
43 retrofitting existing residential high-rise buildings, as  
44 defined in s. 718.1085, and s. 719.1055 with a fire protection  
45 system in accordance with the Florida Fire Prevention Code  
46 adopted under s. 633.202, which includes:

47 a. Installing fire sprinkler systems and related  
48 improvements; or

49 b. Installing Engineered Life Safety Systems and related  
50 improvements.

51 Section 2. Section 633.312, Florida Statutes, is amended  
52 to read:

53 633.312 Inspection of fire control systems, fire hydrants,  
54 and fire protection systems.—

55 (1) The State Fire Marshal may ~~shall have the right to~~  
56 inspect any fire control system during and after construction to  
57 determine if ~~that~~ such system meets the standards set forth in  
58 the laws and rules of the state.

59 (2) Fire hydrants and fire protection systems installed in  
60 public and private properties, except one-family or two-family  
61 dwellings, shall be inspected following procedures established  
62 in the nationally recognized inspection, testing, and  
63 maintenance standards publications NFPA-24 and NFPA-25 as set  
64 forth in the edition adopted by the State Fire Marshal.

65 Quarterly, annual, 3-year, and 5-year inspections consistent

Amendment No. 1.

66 with the contractual provisions with the owner shall be  
67 conducted by the certificateholder or permittees employed by the  
68 certificateholder pursuant to s. 633.318, except that:

69 (a) Public fire hydrants owned by a governmental entity  
70 shall be inspected following procedures established in the  
71 inspection, testing, and maintenance standards adopted by the  
72 State Fire Marshal or equivalent standards such as those  
73 contained in the latest edition of the American Water Works  
74 Association's Manual M17, "Installation, Field Testing, and  
75 Maintenance of Fire Hydrants."

76 (b) County, municipal, and special district utilities may  
77 perform fire hydrant inspections required by this section using  
78 designated employees. Such designated employees need not be  
79 certified under this chapter. However, counties, municipalities,  
80 or special districts that use designated employees are  
81 responsible for ensuring that the designated employees are  
82 qualified to perform such inspections.

83 (3) (a) The inspecting contractor shall provide to the  
84 building owner or hydrant owner and the local authority having  
85 jurisdiction a copy of the applicable inspection report  
86 established under this chapter. The local authority having  
87 jurisdiction may accept inspection reports by United States  
88 mail, hand delivery, or through a third-party vendor that  
89 collects the reports on behalf of the local authority having  
90 jurisdiction.

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Amendment No. 1.

91        (b) The State Fire Marshal shall adopt rules to implement  
92 a uniform submission procedure to be used by all local  
93 authorities having jurisdiction and third-party vendors when  
94 collecting inspection reports. The uniform submission procedure  
95 must allow a contractor to attach additional documents to the  
96 submission, including a physical copy of the contractor's  
97 detailed inspection report. A contractor's inspection report is  
98 not required to follow a standardized format and the uniform  
99 submission procedure may not require a contractor to enter the  
100 details of the inspection report into the submission.

101        (4) The maintenance of fire hydrant and fire protection  
102 systems as well as corrective actions on deficient systems is  
103 the responsibility of the owner of the system or hydrant.  
104 Equipment requiring periodic testing or operation to ensure its  
105 maintenance shall be tested or operated as specified in the Fire  
106 Prevention Code, Life Safety Code, National Fire Protection  
107 Association standards, or as directed by the appropriate  
108 authority, provided that such appropriate authority may not  
109 require a sprinkler system not required by the Fire Prevention  
110 Code, Life Safety Code, or National Fire Protection Association  
111 standards to be removed regardless of its condition. This  
112 section does not prohibit governmental entities from inspecting  
113 and enforcing firesafety codes.

114        (5)-(4) At least once each year, each fire hydrant shall be  
115 opened fully and the water allowed to flow until all foreign

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Published On: 3/25/2019 5:57:02 PM

Amendment No. 1.

116 materials have cleared the hydrant. The flow shall be maintained  
117 for not less than 1 minute.

118 ~~(6)-(5)~~ If a fire hydrant is made nonfunctional by the  
119 closing of a water supply valve, the valve must immediately be  
120 tagged with a red tag that is boldly marked "nonfunctional" and  
121 the local fire authority notified that the hydrant is  
122 nonfunctional.

123 Section 3. Paragraph (1) of subsection (2) of section  
124 718.112, Florida Statutes, is amended to read:

125 718.112 Bylaws.—

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

129 (1) Fire protection Certificate of compliance.— An  
130 association must ensure reasonable compliance with the Florida  
131 Fire Prevention Code. For purposes of this paragraph, the term  
132 "reasonable compliance" means the ability to select alternative  
133 solutions to ensure that property meets the level of fire  
134 protection required in the Florida Fire Prevention Code. For  
135 residential high-rise buildings, as defined in s. 718.1085, the  
136 association must retrofit the common elements, the association  
137 property, and each individual unit with a fire sprinkler system  
138 or an Engineered Life Safety System. A provision that a  
139 certificate of compliance from a licensed electrical contractor  
140 or electrician may be accepted by the association's board as

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Published On: 3/25/2019 5:57:02 PM

Amendment No. 1.

141 ~~evidence of compliance of the condominium units with the~~  
142 ~~applicable fire and life safety code must be included.~~  
143 ~~Notwithstanding chapter 633 or of any other code, statute,~~  
144 ~~ordinance, administrative rule, or regulation, or any~~  
145 ~~interpretation of the foregoing, an association, residential~~  
146 ~~condominium, or unit owner is not obligated to retrofit the~~  
147 ~~common elements, association property, or units of a residential~~  
148 ~~condominium with a fire sprinkler system in a building that has~~  
149 ~~been certified for occupancy by the applicable governmental~~  
150 ~~entity if the unit owners have voted to forego such retrofitting~~  
151 ~~by the affirmative vote of a majority of all voting interests in~~  
152 ~~the affected condominium.~~

153 1. The local authority having jurisdiction may not  
154 require completion of retrofitting with a fire sprinkler system  
155 or an Engineered Life Safety System before January 1, 2022 ~~2020~~.  
156 An association that does not comply with this paragraph must:

157 a. Submit a final fire sprinkler or Engineered Life Safety  
158 System permit application and supporting documents to the local  
159 authority having jurisdiction by July 1, 2019.

160 b. Obtain all necessary permits by December 31, 2019.

161 c. Pass final inspection by December 31, 2021. ~~By December~~  
162 ~~31, 2016, a residential condominium association that is not in~~  
163 ~~compliance with the requirements for a fire sprinkler system and~~  
164 ~~has not voted to forego retrofitting of such a system must~~  
165 ~~initiate an application for a building permit for the required~~

Amendment No. 1.

166 ~~installation with the local government having jurisdiction~~  
167 ~~demonstrating that the association will become compliant by~~  
168 ~~December 31, 2019.~~

169 ~~1. A vote to forego retrofitting may be obtained by~~  
170 ~~limited proxy or by a ballot personally cast at a duly called~~  
171 ~~membership meeting, or by execution of a written consent by the~~  
172 ~~member, and is effective upon recording a certificate attesting~~  
173 ~~to such vote in the public records of the county where the~~  
174 ~~condominium is located. The association shall mail or hand~~  
175 ~~deliver to each unit owner written notice at least 14 days~~  
176 ~~before the membership meeting in which the vote to forego~~  
177 ~~retrofitting of the required fire sprinkler system is to take~~  
178 ~~place. Within 30 days after the association's opt-out vote,~~  
179 ~~notice of the results of the opt-out vote must be mailed or hand~~  
180 ~~delivered to all unit owners. Evidence of compliance with this~~  
181 ~~notice requirement must be made by affidavit executed by the~~  
182 ~~person providing the notice and filed among the official records~~  
183 ~~of the association. After notice is provided to each owner, a~~  
184 ~~copy must be provided by the current owner to a new owner before~~  
185 ~~closing and by a unit owner to a renter before signing a lease.~~

186 ~~2. If there has been a previous vote to forego~~  
187 ~~retrofitting, a vote to require retrofitting may be obtained at~~  
188 ~~a special meeting of the unit owners called by a petition of at~~  
189 ~~least 10 percent of the voting interests. Such a vote may only~~  
190 ~~be called once every 3 years. Notice shall be provided as~~

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Published On: 3/25/2019 5:57:02 PM



Amendment No. 1.

191 ~~required for any regularly called meeting of the unit owners,~~  
192 ~~and must state the purpose of the meeting. Electronic~~  
193 ~~transmission may not be used to provide notice of a meeting~~  
194 ~~called in whole or in part for this purpose.~~

195 ~~2.3.~~ As part of the information collected annually from  
196 condominiums, the division shall require condominium  
197 associations to report ~~the membership vote and recording of a~~  
198 ~~certificate under this subsection and,~~ if retrofitting has been  
199 undertaken, and the per-unit cost of such work. ~~The division~~  
200 ~~shall annually report to the Division of State Fire Marshal of~~  
201 ~~the Department of Financial Services the number of condominiums~~  
202 ~~that have elected to forego retrofitting.~~

203 4. Notwithstanding s. 553.509, a residential association  
204 may not be obligated to, and may forego the retrofitting of, any  
205 improvements required by s. 553.509(2) upon an affirmative vote  
206 of a majority of the voting interests in the affected  
207 condominium.

208 Section 4. Subsection (4) is added to section 718.120,  
209 Florida Statutes, to read:

210 718.120 Separate taxation of condominium parcels; survival  
211 of declaration after tax sale; assessment of timeshare estates.-

212 (4) An association that participates in a qualifying  
213 improvement, as defined in s. 163.08(2)(b)4., for fire  
214 protection may elect to be assessed upon the condominium  
215 property as a whole instead of assigning a portion of the common

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Published On: 3/25/2019 5:57:02 PM

Amendment No. 1.

216 areas' value to each unit owner. If the association elects to be  
217 assessed upon the condominium property as a whole, the  
218 association must notify the taxing authorities before the  
219 qualifying improvement is implemented. After the qualifying  
220 improvement is completed and any finance agreements made under  
221 s. 163.08(4) are terminated, the association may elect to return  
222 to the assessment option under subsection (1).

223 Section 5. Subsection (5) of section 719.1055, Florida  
224 Statutes, is amended to read:

225 719.1055 Amendment of cooperative documents; alteration  
226 and acquisition of property.-

227 (5) An association must ensure reasonable compliance with  
228 the Florida Fire Prevention Code. For purposes of this  
229 paragraph, the term "reasonable compliance" means the ability to  
230 select alternative solutions to ensure that property meets the  
231 level of fire protection required in the Florida Fire Prevention  
232 Code. For residential high-rise buildings, as defined in  
233 subsection 6, the association must retrofit the common elements,  
234 the association property, and each individual unit with a fire  
235 sprinkler system or an Engineered Life Safety System. ~~The bylaws~~  
236 ~~must include a provision whereby a certificate of compliance~~  
237 ~~from a licensed electrical contractor or electrician may be~~  
238 ~~accepted by the association's board as evidence of compliance of~~  
239 ~~the cooperative units with the applicable fire and life safety~~  
240 ~~code.~~

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Published On: 3/25/2019 5:57:02 PM

Amendment No. 1.

241 ~~(a)1. Notwithstanding chapter 633 or any other code,~~  
242 ~~statute, ordinance, administrative rule, or regulation, or any~~  
243 ~~interpretation of the foregoing, a cooperative or unit owner is~~  
244 ~~not obligated to retrofit the common elements or units of a~~  
245 ~~residential cooperative with a fire sprinkler system in a~~  
246 ~~building that has been certified for occupancy by the applicable~~  
247 ~~governmental entity if the unit owners have voted to forego such~~  
248 ~~retrofitting by the affirmative vote of a majority of all voting~~  
249 ~~interests in the affected cooperative.~~

250 (a) The local authority having jurisdiction may not  
251 require completion of retrofitting with a fire sprinkler system  
252 or an Engineered Life Safety System before January 1, 2022 the  
253 end of 2019. An association that has not retrofitted with must:

254 1. Submit a final fire sprinkler or Engineered Life Safety  
255 System permit application and supporting documents to the local  
256 authority having jurisdiction by July 1, 2019.

257 2. Obtain all necessary permits by December 31, 2019.

258 3. Pass final inspection by December 31, 2021.

259 ~~By December 31, 2016, a cooperative that is not in~~  
260 ~~compliance with the requirements for a fire sprinkler system and~~  
261 ~~has not voted to forego retrofitting of such a system must~~  
262 ~~initiate an application for a building permit for the required~~  
263 ~~installation with the local government having jurisdiction~~  
264 ~~demonstrating that the cooperative will become compliant by~~  
265 ~~December 31, 2019.~~

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Published On: 3/25/2019 5:57:02 PM

Amendment No. 1.

266 ~~2. A vote to forego retrofitting may be obtained by~~  
267 ~~limited proxy or by a ballot personally cast at a duly called~~  
268 ~~membership meeting, or by execution of a written consent by the~~  
269 ~~member, and is effective upon recording a certificate attesting~~  
270 ~~to such vote in the public records of the county where the~~  
271 ~~cooperative is located. The cooperative shall mail or hand~~  
272 ~~deliver to each unit owner written notice at least 14 days~~  
273 ~~before the membership meeting in which the vote to forego~~  
274 ~~retrofitting of the required fire sprinkler system is to take~~  
275 ~~place. Within 30 days after the cooperative's opt-out vote,~~  
276 ~~notice of the results of the opt-out vote must be mailed or hand~~  
277 ~~delivered to all unit owners. Evidence of compliance with this~~  
278 ~~notice requirement must be made by affidavit executed by the~~  
279 ~~person providing the notice and filed among the official records~~  
280 ~~of the cooperative. After notice is provided to each owner, a~~  
281 ~~copy must be provided by the current owner to a new owner before~~  
282 ~~closing and by a unit owner to a renter before signing a lease.~~

283 ~~(b) If there has been a previous vote to forego~~  
284 ~~retrofitting, a vote to require retrofitting may be obtained at~~  
285 ~~a special meeting of the unit owners called by a petition of~~  
286 ~~least 10 percent of the voting interests. Such vote may only be~~  
287 ~~called once every 3 years. Notice must be provided as required~~  
288 ~~for any regularly called meeting of the unit owners, and the~~  
289 ~~notice must state the purpose of the meeting. Electronic~~

Amendment No. 1.

290 ~~transmission may not be used to provide notice of a meeting~~  
291 ~~called in whole or in part for this purpose.~~

292 ~~(b)(e)~~ As part of the information collected annually from  
293 cooperatives, the division shall require associations to report  
294 ~~the membership vote and recording of a certificate under this~~  
295 ~~subsection and, if retrofitting has been undertaken, and the~~  
296 per-unit cost of such work. ~~The division shall annually report~~  
297 ~~to the Division of State Fire Marshal of the Department of~~  
298 ~~Financial Services the number of cooperatives that have elected~~  
299 ~~to forego retrofitting.~~

300 Section 6. Subsection (4) is added to section 719.114,  
301 Florida Statutes, to read:

302 719.114 Separate taxation of cooperative parcels; survival  
303 of contractual provisions after tax sale.-

304 (4) An association that participates in a qualifying  
305 improvement, as defined in s. 163.08(2)(b)4., for fire  
306 protection may elect to be assessed upon the condominium  
307 property as a whole instead of assigning a portion of the common  
308 areas' value to each unit owner. If the association elects to be  
309 assessed upon the condominium property as a whole, the  
310 association must notify the taxing authorities before the  
311 qualifying improvement is implemented. After the qualifying  
312 improvement is completed and any finance agreements made under  
313 s. 163.08(4) are terminated, the association may elect to return  
314 to the assessment option under subsection (1).

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Published On: 3/25/2019 5:57:02 PM

Amendment No. 1.

315 Section 7. This act shall take effect July 1, 2019.

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317  
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319 **T I T L E A M E N D M E N T**

320 Remove everything before the enacting clause and insert:

321 An act relating to fire protection systems; amending  
322 s. 163.08, F.S.; revising a definition; amending s.  
323 633.312, F.S.; authorizing certain local authorities  
324 to accept inspection reports by specified means;  
325 requiring the State Fire Marshal to adopt rules to  
326 implement a uniform procedure for the submission of  
327 inspection reports; providing requirements for such  
328 procedure; amending s. 718.112, F.S.; providing a  
329 definition; requiring an association to retrofit  
330 certain condominiums with a fire sprinkler system or  
331 an Engineered Life Safety System; providing compliance  
332 deadlines; providing a penalty; amending s. 718.120,  
333 F.S.; authorizing an association to elect an  
334 alternative assessment option while implementing a  
335 qualifying fire protection improvement; amending s.  
336 719.1055, F.S.; providing a definition; requiring an  
337 association to retrofit certain cooperatives with a  
338 fire sprinkler system or an Engineered Life Safety  
339 System; providing compliance deadlines; providing a

580851 - h0723-strike.docx

Published On: 3/25/2019 5:57:02 PM

Amendment No. 1.

340 penalty; amending s. 719.114, F.S.; authorizing an  
341 association to elect an alternative assessment option  
342 while implementing a qualifying fire protection  
343 improvement ; providing an effective date.