

1 A bill to be entitled
 2 An act relating to fire protection systems; amending
 3 s. 163.08, F.S.; revising a definition; amending s.
 4 633.312, F.S.; authorizing certain local authorities
 5 to accept inspection reports by specified means;
 6 requiring the State Fire Marshal to adopt rules to
 7 implement a uniform procedure for the submission of
 8 inspection reports; providing requirements for such
 9 procedure; amending s. 718.112, F.S.; providing a
 10 definition; requiring an association to retrofit
 11 certain condominiums with a fire sprinkler system or
 12 an Engineered Life Safety System; providing compliance
 13 deadlines; providing a penalty; amending s. 718.120,
 14 F.S.; authorizing an association to elect an
 15 alternative assessment option while implementing a
 16 qualifying fire protection improvement; providing an
 17 effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

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 21 Section 1. Subsection (2) of section 163.08, Florida
 22 Statutes, is amended to read:

23 163.08 Supplemental authority for improvements to real
 24 property.—

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

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

29 (b) "Qualifying improvement" includes any:

30 1. Energy conservation and efficiency improvement, which
31 is a measure to reduce consumption through conservation or a
32 more efficient use of electricity, natural gas, propane, or
33 other forms of energy on the property, including, but not
34 limited to, air sealing; installation of insulation;
35 installation of energy-efficient heating, cooling, or
36 ventilation systems; building modifications to increase the use
37 of daylight; replacement of windows; installation of energy
38 controls or energy recovery systems; installation of electric
39 vehicle charging equipment; and installation of efficient
40 lighting equipment.

41 2. Renewable energy improvement, which is the installation
42 of any system in which the electrical, mechanical, or thermal
43 energy is produced from a method that uses one or more of the
44 following fuels or energy sources: hydrogen, solar energy,
45 geothermal energy, bioenergy, and wind energy.

46 3. Wind resistance improvement, which includes, but is not
47 limited to:

48 a. Improving the strength of the roof deck attachment;

49 b. Creating a secondary water barrier to prevent water
50 intrusion;

- 51 c. Installing wind-resistant shingles;
- 52 d. Installing gable-end bracing;
- 53 e. Reinforcing roof-to-wall connections;
- 54 f. Installing storm shutters; or
- 55 g. Installing opening protections.

56 4. Fire protection improvement, which includes
 57 retrofitting existing residential high-rise buildings, as
 58 defined in s. 718.1085, with a fire protection system in
 59 accordance with the Florida Fire Prevention Code adopted under
 60 s. 633.202, which includes:

- 61 a. Installing fire sprinkler systems and related
 62 improvements; or
- 63 b. Installing Engineered Life Safety Systems and related
 64 improvements.

65 Section 2. Section 633.312, Florida Statutes, is amended
 66 to read:

67 633.312 Inspection of fire control systems, fire hydrants,
 68 and fire protection systems.—

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

73 (2) Fire hydrants and fire protection systems installed in
 74 public and private properties, except one-family or two-family
 75 dwellings, shall be inspected following procedures established

76 | in the nationally recognized inspection, testing, and
77 | maintenance standards publications NFPA-24 and NFPA-25 as set
78 | forth in the edition adopted by the State Fire Marshal.
79 | Quarterly, annual, 3-year, and 5-year inspections consistent
80 | with the contractual provisions with the owner shall be
81 | conducted by the certificateholder or permittees employed by the
82 | certificateholder pursuant to s. 633.318, except that:

83 | (a) Public fire hydrants owned by a governmental entity
84 | shall be inspected following procedures established in the
85 | inspection, testing, and maintenance standards adopted by the
86 | State Fire Marshal or equivalent standards such as those
87 | contained in the latest edition of the American Water Works
88 | Association's Manual M17, "Installation, Field Testing, and
89 | Maintenance of Fire Hydrants."

90 | (b) County, municipal, and special district utilities may
91 | perform fire hydrant inspections required by this section using
92 | designated employees. Such designated employees need not be
93 | certified under this chapter. However, counties, municipalities,
94 | or special districts that use designated employees are
95 | responsible for ensuring that the designated employees are
96 | qualified to perform such inspections.

97 | (3) (a) The inspecting contractor shall provide to the
98 | building owner or hydrant owner and the local authority having
99 | jurisdiction a copy of the applicable inspection report
100 | established under this chapter. The local authority having

101 jurisdiction may accept inspection reports by United States
102 mail, hand delivery, or through a third-party vendor that
103 collects the reports on behalf of the local authority having
104 jurisdiction.

105 (b) The State Fire Marshal shall adopt rules to implement
106 a uniform submission procedure to be used by all local
107 authorities having jurisdiction and third-party vendors when
108 collecting inspection reports. The uniform submission procedure
109 must allow a contractor to attach additional documents to the
110 submission, including a physical copy of the contractor's
111 detailed inspection report. A contractor's inspection report is
112 not required to follow a standardized format and the uniform
113 submission procedure may not require a contractor to enter the
114 details of the inspection report into the submission.

115 (4) The maintenance of fire hydrant and fire protection
116 systems as well as corrective actions on deficient systems is
117 the responsibility of the owner of the system or hydrant.
118 Equipment requiring periodic testing or operation to ensure its
119 maintenance shall be tested or operated as specified in the Fire
120 Prevention Code, Life Safety Code, National Fire Protection
121 Association standards, or as directed by the appropriate
122 authority, provided that such appropriate authority may not
123 require a sprinkler system not required by the Fire Prevention
124 Code, Life Safety Code, or National Fire Protection Association
125 standards to be removed regardless of its condition. This

126 section does not prohibit governmental entities from inspecting
 127 and enforcing firesafety codes.

128 ~~(5)~~(4) At least once each year, each fire hydrant shall be
 129 opened fully and the water allowed to flow until all foreign
 130 materials have cleared the hydrant. The flow shall be maintained
 131 for not less than 1 minute.

132 ~~(6)~~(5) If a fire hydrant is made nonfunctional by the
 133 closing of a water supply valve, the valve must immediately be
 134 tagged with a red tag that is boldly marked "nonfunctional" and
 135 the local fire authority notified that the hydrant is
 136 nonfunctional.

137 Section 3. Paragraph (1) of subsection (2) of section
 138 718.112, Florida Statutes, is amended to read:

139 718.112 Bylaws.—

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

143 (1) Fire protection Certificate of compliance.—An
 144 association must ensure reasonable compliance with the Florida
 145 Fire Prevention Code. For purposes of this paragraph, the term
 146 "reasonable compliance" means the ability to select alternative
 147 solutions to ensure that property meets the level of fire
 148 protection required in the Florida Fire Prevention Code. For
 149 residential high-rise buildings, as defined in s. 718.1085, the
 150 association must retrofit the common areas, as defined in s.

151 720.301, the association property, and each individual unit with
 152 a fire sprinkler system or an Engineered Life Safety System. A
 153 ~~provision that a certificate of compliance from a licensed~~
 154 ~~electrical contractor or electrician may be accepted by the~~
 155 ~~association's board as evidence of compliance of the condominium~~
 156 ~~units with the applicable fire and life safety code must be~~
 157 ~~included. Notwithstanding chapter 633 or of any other code,~~
 158 ~~statute, ordinance, administrative rule, or regulation, or any~~
 159 ~~interpretation of the foregoing, an association, residential~~
 160 ~~condominium, or unit owner is not obligated to retrofit the~~
 161 ~~common elements, association property, or units of a residential~~
 162 ~~condominium with a fire sprinkler system in a building that has~~
 163 ~~been certified for occupancy by the applicable governmental~~
 164 ~~entity if the unit owners have voted to forego such retrofitting~~
 165 ~~by the affirmative vote of a majority of all voting interests in~~
 166 ~~the affected condominium.~~

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

171 a. Submit a final fire sprinkler permit application and
 172 supporting documents to the local authority having jurisdiction
 173 by July 1, 2019.

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

175 c. Pass final inspection by December 31, 2021.

176 2. The local authority having jurisdiction shall assess an
177 association that fails to comply with subparagraph 1. a penalty
178 of \$500 per day until the association is in compliance. The
179 division shall collect all money assessed to an association and
180 remit it to the Firefighter Assistance Grant Program under s.
181 633.135. ~~By December 31, 2016, a residential condominium~~
182 ~~association that is not in compliance with the requirements for~~
183 ~~a fire sprinkler system and has not voted to forego retrofitting~~
184 ~~of such a system must initiate an application for a building~~
185 ~~permit for the required installation with the local government~~
186 ~~having jurisdiction demonstrating that the association will~~
187 ~~become compliant by December 31, 2019.~~

188 3.1. A vote to forego retrofitting may be obtained by
189 limited proxy or by a ballot personally cast at a duly called
190 membership meeting, or by execution of a written consent by the
191 member, and is effective upon recording a certificate attesting
192 to such vote in the public records of the county where the
193 condominium is located. The association shall mail or hand
194 deliver to each unit owner written notice at least 14 days
195 before the membership meeting in which the vote to forego
196 retrofitting of the required fire sprinkler system is to take
197 place. Within 30 days after the association's opt-out vote,
198 notice of the results of the opt-out vote must be mailed or hand
199 delivered to all unit owners. Evidence of compliance with this
200 notice requirement must be made by affidavit executed by the

201 person providing the notice and filed among the official records
202 of the association. After notice is provided to each owner, a
203 copy must be provided by the current owner to a new owner before
204 closing and by a unit owner to a renter before signing a lease.

205 ~~4.2.~~ If there has been a previous vote to forego
206 retrofitting, a vote to require retrofitting may be obtained at
207 a special meeting of the unit owners called by a petition of at
208 least 10 percent of the voting interests. Such a vote may only
209 be called once every 3 years. Notice shall be provided as
210 required for any regularly called meeting of the unit owners,
211 and must state the purpose of the meeting. Electronic
212 transmission may not be used to provide notice of a meeting
213 called in whole or in part for this purpose.

214 ~~5.3.~~ As part of the information collected annually from
215 condominiums, the division shall require condominium
216 associations to report the membership vote and recording of a
217 certificate under this subsection and, if retrofitting has been
218 undertaken, the per-unit cost of such work. The division shall
219 annually report to the Division of State Fire Marshal of the
220 Department of Financial Services the number of condominiums that
221 have elected to forego retrofitting.

222 ~~6.4.~~ Notwithstanding s. 553.509, a residential association
223 may not be obligated to, and may forego the retrofitting of, any
224 improvements required by s. 553.509(2) upon an affirmative vote
225 of a majority of the voting interests in the affected

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226 condominium.

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

229 718.120 Separate taxation of condominium parcels; survival
230 of declaration after tax sale; assessment of timeshare estates.-

231 (4) An association that participates in a qualifying
232 improvement, as defined in s. 163.08(2)(b)4., for fire
233 protection may elect to be assessed upon the condominium
234 property as a whole instead of assigning a portion of the common
235 areas' value to each unit owner. If the association elects to be
236 assessed upon the condominium property as a whole, the
237 association must notify the taxing authorities before the
238 qualifying improvement is implemented. After the qualifying
239 improvement is completed and any finance agreements made under
240 s. 163.08(4) are terminated, the association may elect to return
241 to the assessment option under subsection (1).

242 Section 5. This act shall take effect July 1, 2019.