

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; amending s. 718.120, F.S.; authorizing an  
 14          association to elect an alternative assessment option  
 15          while implementing a qualifying fire protection  
 16          improvement; providing an effective date.

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

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

22           163.08 Supplemental authority for improvements to real  
 23   property.—

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

25           (a) "Local government" means a county, a municipality, a

26 dependent special district as defined in s. 189.012, or a  
27 separate legal entity created pursuant to s. 163.01(7).

28 (b) "Qualifying improvement" includes any:

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

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

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

- 47 a. Improving the strength of the roof deck attachment;  
48 b. Creating a secondary water barrier to prevent water  
49 intrusion;  
50 c. Installing wind-resistant shingles;

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

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

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

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

66 633.312 Inspection of fire control systems, fire hydrants,  
 67 and fire protection systems.—

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

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

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

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

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

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

101 mail, hand delivery, or through a third-party vendor that  
102 collects the reports on behalf of the local authority having  
103 jurisdiction.

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

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

126 and enforcing firesafety codes.

127 ~~(5)~~(4) At least once each year, each fire hydrant shall be  
128 opened fully and the water allowed to flow until all foreign  
129 materials have cleared the hydrant. The flow shall be maintained  
130 for not less than 1 minute.

131 ~~(6)~~(5) If a fire hydrant is made nonfunctional by the  
132 closing of a water supply valve, the valve must immediately be  
133 tagged with a red tag that is boldly marked "nonfunctional" and  
134 the local fire authority notified that the hydrant is  
135 nonfunctional.

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

138 718.112 Bylaws.—

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

142 (1) Fire protection Certificate of compliance.—An  
143 association must ensure reasonable compliance with the Florida  
144 Fire Prevention Code. For purposes of this paragraph, the term  
145 "reasonable compliance" means the ability to select alternative  
146 solutions to ensure that property meets the level of fire  
147 protection required in the Florida Fire Prevention Code. For  
148 residential high-rise buildings, as defined in s. 718.1085, the  
149 association must retrofit the common areas, as defined in s.  
150 720.301, the association property, and each individual unit with

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

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

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

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

174 c. Pass final inspection by December 31, 2021. By December  
175 31, 2016, a residential condominium association that is not in

176 ~~compliance with the requirements for a fire sprinkler system and~~  
177 ~~has not voted to forego retrofitting of such a system must~~  
178 ~~initiate an application for a building permit for the required~~  
179 ~~installation with the local government having jurisdiction~~  
180 ~~demonstrating that the association will become compliant by~~  
181 ~~December 31, 2019.~~

182 2.1. A vote to forego retrofitting may be obtained by  
183 limited proxy or by a ballot personally cast at a duly called  
184 membership meeting, or by execution of a written consent by the  
185 member, and is effective upon recording a certificate attesting  
186 to such vote in the public records of the county where the  
187 condominium is located. The association shall mail or hand  
188 deliver to each unit owner written notice at least 14 days  
189 before the membership meeting in which the vote to forego  
190 retrofitting of the required fire sprinkler system is to take  
191 place. Within 30 days after the association's opt-out vote,  
192 notice of the results of the opt-out vote must be mailed or hand  
193 delivered to all unit owners. Evidence of compliance with this  
194 notice requirement must be made by affidavit executed by the  
195 person providing the notice and filed among the official records  
196 of the association. After notice is provided to each owner, a  
197 copy must be provided by the current owner to a new owner before  
198 closing and by a unit owner to a renter before signing a lease.

199 3.2. If there has been a previous vote to forego  
200 retrofitting, a vote to require retrofitting may be obtained at



201 a special meeting of the unit owners called by a petition of at  
202 least 10 percent of the voting interests. Such a vote may only  
203 be called once every 3 years. Notice shall be provided as  
204 required for any regularly called meeting of the unit owners,  
205 and must state the purpose of the meeting. Electronic  
206 transmission may not be used to provide notice of a meeting  
207 called in whole or in part for this purpose.

208 ~~4.3.~~ As part of the information collected annually from  
209 condominiums, the division shall require condominium  
210 associations to report the membership vote and recording of a  
211 certificate under this subsection and, if retrofitting has been  
212 undertaken, the per-unit cost of such work. The division shall  
213 annually report to the Division of State Fire Marshal of the  
214 Department of Financial Services the number of condominiums that  
215 have elected to forego retrofitting.

216 ~~5.4.~~ Notwithstanding s. 553.509, a residential association  
217 may not be obligated to, and may forego the retrofitting of, any  
218 improvements required by s. 553.509(2) upon an affirmative vote  
219 of a majority of the voting interests in the affected  
220 condominium.

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

223 718.120 Separate taxation of condominium parcels; survival  
224 of declaration after tax sale; assessment of timeshare estates.—

225 (4) An association that participates in a qualifying

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

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