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

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

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

163.08 Supplemental authority for improvements to real
property.—

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

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

(b) "Qualifying improvement" includes any:

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

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

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

a. Improving the strength of the roof deck attachment;

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

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

4. Fire protection improvement, which includes retrofitting existing residential high-rise buildings, as defined in s. 718.1085, with a fire protection system in accordance with the Florida Fire Prevention Code adopted under s. 633.202, which includes:
   a. Installing fire sprinkler systems and related improvements; or

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

633.312 Inspection of fire control systems, fire hydrants, and fire protection systems.—
   (1) The State Fire Marshal may shall have the right to inspect any fire control system during and after construction to determine if that such system meets the standards set forth in the laws and rules of the state.
   (2) Fire hydrants and fire protection systems installed in public and private properties, except one-family or two-family dwellings, shall be inspected following procedures established in the nationally recognized inspection, testing, and
maintenance standards publications NFPA-24 and NFPA-25 as set forth in the edition adopted by the State Fire Marshal. Quarterly, annual, 3-year, and 5-year inspections consistent with the contractual provisions with the owner shall be conducted by the certificateholder or permittees employed by the certificateholder pursuant to s. 633.318, except that:

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

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

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

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

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

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

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

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

718.112 Bylaws.—

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

(l) Fire protection Certificate of compliance.—An association must ensure reasonable compliance with the Florida Fire Prevention Code. For purposes of this paragraph, the term "reasonable compliance" means the ability to select alternative solutions to ensure that property meets the level of fire protection required in the Florida Fire Prevention Code. For residential high-rise buildings, as defined in s. 718.1085, the association must retrofit the common areas, as defined in s. 720.301, the association property, and each individual unit with
a fire sprinkler system or an Engineered Life Safety System. A provision that a certificate of compliance from a licensed electrical contractor or electrician may be accepted by the association's board as evidence of compliance of the condominium units with the applicable fire and life safety code must be included. Notwithstanding chapter 633 or of any other code, statute, ordinance, administrative rule, or regulation, or any interpretation of the foregoing, an association, residential condominium, or unit owner is not obligated to retrofit the common elements, association property, or units of a residential condominium with a fire sprinkler system in a building that has been certified for occupancy by the applicable governmental entity if the unit owners have voted to forego such retrofitting by the affirmative vote of a majority of all voting interests in the affected condominium.

1. The local authority having jurisdiction may not require completion of retrofitting with a fire sprinkler system or an Engineered Life Safety System before January 1, 2022. An association that does not comply with this paragraph must:
   a. Submit a final fire sprinkler permit application and supporting documents to the local authority having jurisdiction by July 1, 2019.
   b. Obtain all necessary permits by December 31, 2019.
   c. Pass final inspection by December 31, 2021. By December 31, 2016, a residential condominium association that is not in
compliance with the requirements for a fire sprinkler system and
has not voted to forego retrofitting of such a system must
initiate an application for a building permit for the required
installation with the local government having jurisdiction
demonstrating that the association will become compliant by
December 31, 2019.

2. A vote to forego retrofitting may be obtained by
limited proxy or by a ballot personally cast at a duly called
membership meeting, or by execution of a written consent by the
member, and is effective upon recording a certificate attesting
to such vote in the public records of the county where the
condominium is located. The association shall mail or hand
deliver to each unit owner written notice at least 14 days
before the membership meeting in which the vote to forego
retrofitting of the required fire sprinkler system is to take
place. Within 30 days after the association's opt-out vote,
notice of the results of the opt-out vote must be mailed or hand
delivered to all unit owners. Evidence of compliance with this
notice requirement must be made by affidavit executed by the
person providing the notice and filed among the official records
of the association. After notice is provided 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.

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

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

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

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

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

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

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