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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AE/3R

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05/03/2019 12:10 PM

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Senator Lee moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 125.01055, Florida Statutes, is amended  
to read:

125.01055 Affordable housing.—

(1) Notwithstanding any other provision of law, a county  
may adopt and maintain in effect any law, ordinance, rule, or  
other measure that is adopted for the purpose of increasing the  
supply of affordable housing using land use mechanisms such as



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12 inclusionary housing ordinances.

13 (2) An inclusionary housing ordinance may require a  
14 developer to provide a specified number or percentage of  
15 affordable housing units to be included in a development or  
16 allow a developer to contribute to a housing fund or other  
17 alternatives in lieu of building the affordable housing units.  
18 However, in exchange, a county must provide incentives to fully  
19 offset all costs to the developer of its affordable housing  
20 contribution. Such incentives may include, but are not limited  
21 to:

22 (a) Allowing the developer density or intensity bonus  
23 incentives or more floor space than allowed under the current or  
24 proposed future land use designation or zoning;

25 (b) Reducing or waiving fees, such as impact fees or water  
26 and sewer charges; or

27 (c) Granting other incentives.

28 (3) Subsection (2) does not apply in an area of critical  
29 state concern, as designated in s. 380.0552.

30 Section 2. Section 125.022, Florida Statutes, is amended to  
31 read:

32 125.022 Development permits and orders.—

33 (1) Within 30 days after receiving an application for  
34 approval of a development permit or development order, a county  
35 must review the application for completeness and issue a letter  
36 indicating that all required information is submitted or  
37 specifying with particularity any areas that are deficient. If  
38 the application is deficient, the applicant has 30 days to  
39 address the deficiencies by submitting the required additional  
40 information. Within 120 days after the county has deemed the



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41 application complete, or 180 days for applications that require  
42 final action through a quasi-judicial hearing or a public  
43 hearing, the county must approve, approve with conditions, or  
44 deny the application for a development permit or development  
45 order. Both parties may agree to a reasonable request for an  
46 extension of time, particularly in the event of a force majeure  
47 or other extraordinary circumstance. An approval, approval with  
48 conditions, or denial of the application for a development  
49 permit or development order must include written findings  
50 supporting the county's decision. The timeframes contained in  
51 this subsection do not apply in an area of critical state  
52 concern, as designated in s. 380.0552.

53 (2)~~(1)~~ When reviewing an application for a development  
54 permit or development order that is certified by a professional  
55 listed in s. 403.0877, a county may not request additional  
56 information from the applicant more than three times, unless the  
57 applicant waives the limitation in writing. Before a third  
58 request for additional information, the applicant must be  
59 offered a meeting to attempt to resolve outstanding issues.  
60 Except as provided in subsection (5)~~(4)~~, if the applicant  
61 believes the request for additional information is not  
62 authorized by ordinance, rule, statute, or other legal  
63 authority, the county, at the applicant's request, shall proceed  
64 to process the application for approval or denial.

65 (3)~~(2)~~ When a county denies an application for a  
66 development permit or development order, the county shall give  
67 written notice to the applicant. The notice must include a  
68 citation to the applicable portions of an ordinance, rule,  
69 statute, or other legal authority for the denial of the permit



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70 or order.

71 (4)~~(3)~~ As used in this section, the terms ~~term~~ "development  
72 permit" and "development order" have ~~has~~ the same meaning as in  
73 s. 163.3164, but do ~~does~~ not include building permits.

74 (5)~~(4)~~ For any development permit application filed with  
75 the county after July 1, 2012, a county may not require as a  
76 condition of processing or issuing a development permit or  
77 development order that an applicant obtain a permit or approval  
78 from any state or federal agency unless the agency has issued a  
79 final agency action that denies the federal or state permit  
80 before the county action on the local development permit.

81 (6)~~(5)~~ Issuance of a development permit or development  
82 order by a county does not in any way create any rights on the  
83 part of the applicant to obtain a permit from a state or federal  
84 agency and does not create any liability on the part of the  
85 county for issuance of the permit if the applicant fails to  
86 obtain requisite approvals or fulfill the obligations imposed by  
87 a state or federal agency or undertakes actions that result in a  
88 violation of state or federal law. A county shall attach such a  
89 disclaimer to the issuance of a development permit and shall  
90 include a permit condition that all other applicable state or  
91 federal permits be obtained before commencement of the  
92 development.

93 (7)~~(6)~~ This section does not prohibit a county from  
94 providing information to an applicant regarding what other state  
95 or federal permits may apply.

96 Section 3. Subsection (3) of section 163.3167, Florida  
97 Statutes, is amended to read:

98 163.3167 Scope of act.—



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99           (3) A municipality established after the effective date of  
100 this act shall, within 1 year after incorporation, establish a  
101 local planning agency, pursuant to s. 163.3174, and prepare and  
102 adopt a comprehensive plan of the type and in the manner set out  
103 in this act within 3 years after the date of such incorporation.  
104 A county comprehensive plan is shall be deemed controlling until  
105 the municipality adopts a comprehensive plan in accordance  
106 accord with this act. A comprehensive plan adopted after January  
107 1, 2019, and all land development regulations adopted to  
108 implement the comprehensive plan must incorporate each  
109 development order existing before the comprehensive plan's  
110 effective date, may not impair the completion of a development  
111 in accordance with such existing development order, and must  
112 vest the density and intensity approved by such development  
113 order existing on the effective date of the comprehensive plan  
114 without limitation or modification.

115           Section 4. Paragraph (i) of subsection (5) and paragraph  
116 (h) of subsection (6) of section 163.3180, Florida Statutes, are  
117 amended to read:

118           163.3180 Concurrency.—

119           (5)

120           (i) If a local government elects to repeal transportation  
121 concurrency, it is encouraged to adopt an alternative mobility  
122 funding system that uses one or more of the tools and techniques  
123 identified in paragraph (f). Any alternative mobility funding  
124 system adopted may not be used to deny, time, or phase an  
125 application for site plan approval, plat approval, final  
126 subdivision approval, building permits, or the functional  
127 equivalent of such approvals provided that the developer agrees



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128 to pay for the development's identified transportation impacts  
129 via the funding mechanism implemented by the local government.  
130 The revenue from the funding mechanism used in the alternative  
131 system must be used to implement the needs of the local  
132 government's plan which serves as the basis for the fee imposed.  
133 A mobility fee-based funding system must comply with s.  
134 163.31801 governing the dual rational nexus test applicable to  
135 impact fees. An alternative system that is not mobility fee-  
136 based shall not be applied in a manner that imposes upon new  
137 development any responsibility for funding an existing  
138 transportation deficiency as defined in paragraph (h).

139 (6)

140 (h)1. In order to limit the liability of local governments,  
141 a local government may allow a landowner to proceed with  
142 development of a specific parcel of land notwithstanding a  
143 failure of the development to satisfy school concurrency, if all  
144 the following factors are shown to exist:

145 a. The proposed development would be consistent with the  
146 future land use designation for the specific property and with  
147 pertinent portions of the adopted local plan, as determined by  
148 the local government.

149 b. The local government's capital improvements element and  
150 the school board's educational facilities plan provide for  
151 school facilities adequate to serve the proposed development,  
152 and the local government or school board has not implemented  
153 that element or the project includes a plan that demonstrates  
154 that the capital facilities needed as a result of the project  
155 can be reasonably provided.

156 c. The local government and school board have provided a



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157 means by which the landowner will be assessed a proportionate  
158 share of the cost of providing the school facilities necessary  
159 to serve the proposed development.

160       2. If a local government applies school concurrency, it may  
161 not deny an application for site plan, final subdivision  
162 approval, or the functional equivalent for a development or  
163 phase of a development authorizing residential development for  
164 failure to achieve and maintain the level-of-service standard  
165 for public school capacity in a local school concurrency  
166 management system where adequate school facilities will be in  
167 place or under actual construction within 3 years after the  
168 issuance of final subdivision or site plan approval, or the  
169 functional equivalent. School concurrency is satisfied if the  
170 developer executes a legally binding commitment to provide  
171 mitigation proportionate to the demand for public school  
172 facilities to be created by actual development of the property,  
173 including, but not limited to, the options described in sub-  
174 subparagraph a. Options for proportionate-share mitigation of  
175 impacts on public school facilities must be established in the  
176 comprehensive plan and the interlocal agreement pursuant to s.  
177 163.31777.

178       a. Appropriate mitigation options include the contribution  
179 of land; the construction, expansion, or payment for land  
180 acquisition or construction of a public school facility; the  
181 construction of a charter school that complies with the  
182 requirements of s. 1002.33(18); or the creation of mitigation  
183 banking based on the construction of a public school facility in  
184 exchange for the right to sell capacity credits. Such options  
185 must include execution by the applicant and the local government



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186 of a development agreement that constitutes a legally binding  
187 commitment to pay proportionate-share mitigation for the  
188 additional residential units approved by the local government in  
189 a development order and actually developed on the property,  
190 taking into account residential density allowed on the property  
191 prior to the plan amendment that increased the overall  
192 residential density. The district school board must be a party  
193 to such an agreement. As a condition of its entry into such a  
194 development agreement, the local government may require the  
195 landowner to agree to continuing renewal of the agreement upon  
196 its expiration.

197       b. If the interlocal agreement and the local government  
198 comprehensive plan authorize a contribution of land; the  
199 construction, expansion, or payment for land acquisition; the  
200 construction or expansion of a public school facility, or a  
201 portion thereof; or the construction of a charter school that  
202 complies with the requirements of s. 1002.33(18), as  
203 proportionate-share mitigation, the local government shall  
204 credit such a contribution, construction, expansion, or payment  
205 toward any other impact fee or exaction imposed by local  
206 ordinance for public educational facilities ~~the same need~~, on a  
207 dollar-for-dollar basis at fair market value. The credit must be  
208 based on the total impact fee assessed and not on the impact fee  
209 for any particular type of school.

210       c. Any proportionate-share mitigation must be directed by  
211 the school board toward a school capacity improvement identified  
212 in the 5-year school board educational facilities plan that  
213 satisfies the demands created by the development in accordance  
214 with a binding developer's agreement.





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215           3. This paragraph does not limit the authority of a local  
216 government to deny a development permit or its functional  
217 equivalent pursuant to its home rule regulatory powers, except  
218 as provided in this part.

219           Section 5. Section 163.31801, Florida Statutes, is amended  
220 to read:

221           163.31801 Impact fees; short title; intent; minimum  
222 requirements; audits; challenges ~~definitions; ordinances levying~~  
223 ~~impact fees.~~—

224           (1) This section may be cited as the "Florida Impact Fee  
225 Act."

226           (2) The Legislature finds that impact fees are an important  
227 source of revenue for a local government to use in funding the  
228 infrastructure necessitated by new growth. The Legislature  
229 further finds that impact fees are an outgrowth of the home rule  
230 power of a local government to provide certain services within  
231 its jurisdiction. Due to the growth of impact fee collections  
232 and local governments' reliance on impact fees, it is the intent  
233 of the Legislature to ensure that, when a county or municipality  
234 adopts an impact fee by ordinance or a special district adopts  
235 an impact fee by resolution, the governing authority complies  
236 with this section.

237           (3) At a minimum, an impact fee adopted by ordinance of a  
238 county or municipality or by resolution of a special district  
239 must satisfy all of the following conditions, ~~at minimum:~~

240           (a) ~~Require that~~ The calculation of the impact fee must be  
241 based on the most recent and localized data.

242           (b) The local government must provide for accounting and  
243 reporting of impact fee collections and expenditures. If a local



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244 governmental entity imposes an impact fee to address its  
245 infrastructure needs, the entity must ~~shall~~ account for the  
246 revenues and expenditures of such impact fee in a separate  
247 accounting fund.

248 (c) ~~Limit~~ Administrative charges for the collection of  
249 impact fees must be limited to actual costs.

250 (d) The local government must provide ~~Require that~~ notice  
251 ~~not be provided~~ no less than 90 days before the effective date  
252 of an ordinance or resolution imposing a new or increased impact  
253 fee. A county or municipality is not required to wait 90 days to  
254 decrease, suspend, or eliminate an impact fee.

255 (e) Collection of the impact fee may not be required to  
256 occur earlier than the date of issuance of the building permit  
257 for the property that is subject to the fee.

258 (f) The impact fee must be proportional and reasonably  
259 connected to, or have a rational nexus with, the need for  
260 additional capital facilities and the increased impact generated  
261 by the new residential or commercial construction.

262 (g) The impact fee must be proportional and reasonably  
263 connected to, or have a rational nexus with, the expenditures of  
264 the funds collected and the benefits accruing to the new  
265 residential or nonresidential construction.

266 (h) The local government must specifically earmark funds  
267 collected under the impact fee for use in acquiring,  
268 constructing, or improving capital facilities to benefit new  
269 users.

270 (i) Revenues generated by the impact fee may not be used,  
271 in whole or in part, to pay existing debt or for previously  
272 approved projects unless the expenditure is reasonably connected



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273 to, or has a rational nexus with, the increased impact generated  
274 by the new residential or nonresidential construction.

275 (4) The local government must credit against the collection  
276 of the impact fee any contribution, whether identified in a  
277 proportionate share agreement or other form of exaction, related  
278 to public education facilities, including land dedication, site  
279 planning and design, or construction. Any contribution must be  
280 applied to reduce any education-based impact fees on a dollar-  
281 for-dollar basis at fair market value.

282 (5) If a local government increases its impact fee rates,  
283 the holder of any impact fee credits, whether such credits are  
284 granted under s. 163.3180, s. 380.06, or otherwise, which were  
285 in existence before the increase, is entitled to the full  
286 benefit of the intensity or density prepaid by the credit  
287 balance as of the date it was first established. This subsection  
288 shall operate prospectively and not retrospectively.

289 (6)-(4) Audits of financial statements of local governmental  
290 entities and district school boards which are performed by a  
291 certified public accountant pursuant to s. 218.39 and submitted  
292 to the Auditor General must include an affidavit signed by the  
293 chief financial officer of the local governmental entity or  
294 district school board stating that the local governmental entity  
295 or district school board has complied with this section.

296 (7)-(5) In any action challenging an impact fee or the  
297 government's failure to provide required dollar-for-dollar  
298 credits for the payment of impact fees as provided in s.  
299 163.3180(6)(h)2.b., the government has the burden of proving by  
300 a preponderance of the evidence that the imposition or amount of  
301 the fee or credit meets the requirements of state legal



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302 precedent and ~~or~~ this section. The court may not use a  
303 deferential standard for the benefit of the government.

304 (8) A county, municipality, or special district may provide  
305 an exception or waiver for an impact fee for the development or  
306 construction of housing that is affordable, as defined in s.  
307 420.9071. If a county, municipality, or special district  
308 provides such an exception or waiver, it is not required to use  
309 any revenues to offset the impact.

310 (9) This section does not apply to water and sewer  
311 connection fees.

312 Section 6. Paragraph (j) is added to subsection (2) of  
313 section 163.3202, Florida Statutes, to read:

314 163.3202 Land development regulations.—

315 (2) Local land development regulations shall contain  
316 specific and detailed provisions necessary or desirable to  
317 implement the adopted comprehensive plan and shall at a minimum:

318 (j) Incorporate preexisting development orders identified  
319 pursuant to s. 163.3167(3).

320 Section 7. Subsection (8) of section 163.3215, Florida  
321 Statutes, is amended to read:

322 163.3215 Standing to enforce local comprehensive plans  
323 through development orders.—

324 (8)(a) In any proceeding under subsection (3), either party  
325 is entitled to the summary procedure provided in s. 51.011, and  
326 the court shall advance the cause on the calendar, subject to  
327 paragraph (b) ~~or subsection (4), the Department of Legal Affairs~~  
328 may intervene to represent the interests of the state.

329 (b) Upon a showing by either party by clear and convincing  
330 evidence that summary procedure is inappropriate, the court may



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331 determine that summary procedure does not apply.

332 (c) The prevailing party in a challenge to a development  
333 order filed under subsection (3) is entitled to recover  
334 reasonable attorney fees and costs incurred in challenging or  
335 defending the order, including reasonable appellate attorney  
336 fees and costs.

337 Section 8. Section 166.033, Florida Statutes, is amended to  
338 read:

339 166.033 Development permits and orders.—

340 (1) Within 30 days after receiving an application for  
341 approval of a development permit or development order, a  
342 municipality must review the application for completeness and  
343 issue a letter indicating that all required information is  
344 submitted or specifying with particularity any areas that are  
345 deficient. If the application is deficient, the applicant has 30  
346 days to address the deficiencies by submitting the required  
347 additional information. Within 120 days after the municipality  
348 has deemed the application complete, or 180 days for  
349 applications that require final action through a quasi-judicial  
350 hearing or a public hearing, the municipality must approve,  
351 approve with conditions, or deny the application for a  
352 development permit or development order. Both parties may agree  
353 to a reasonable request for an extension of time, particularly  
354 in the event of a force majeure or other extraordinary  
355 circumstance. An approval, approval with conditions, or denial  
356 of the application for a development permit or development order  
357 must include written findings supporting the municipality's  
358 decision. The timeframes contained in this subsection do not  
359 apply in an area of critical state concern, as designated in s.



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360 380.0552 or chapter 28-36, Florida Administrative Code.

361 (2)~~(1)~~ When reviewing an application for a development  
362 permit or development order that is certified by a professional  
363 listed in s. 403.0877, a municipality may not request additional  
364 information from the applicant more than three times, unless the  
365 applicant waives the limitation in writing. Before a third  
366 request for additional information, the applicant must be  
367 offered a meeting to attempt to resolve outstanding issues.  
368 Except as provided in subsection (5) ~~(4)~~, if the applicant  
369 believes the request for additional information is not  
370 authorized by ordinance, rule, statute, or other legal  
371 authority, the municipality, at the applicant's request, shall  
372 proceed to process the application for approval or denial.

373 (3)~~(2)~~ When a municipality denies an application for a  
374 development permit or development order, the municipality shall  
375 give written notice to the applicant. The notice must include a  
376 citation to the applicable portions of an ordinance, rule,  
377 statute, or other legal authority for the denial of the permit  
378 or order.

379 (4)~~(3)~~ As used in this section, the terms ~~term~~ "development  
380 permit" and "development order" have ~~has~~ the same meaning as in  
381 s. 163.3164, but do ~~does~~ not include building permits.

382 (5)~~(4)~~ For any development permit application filed with  
383 the municipality after July 1, 2012, a municipality may not  
384 require as a condition of processing or issuing a development  
385 permit or development order that an applicant obtain a permit or  
386 approval from any state or federal agency unless the agency has  
387 issued a final agency action that denies the federal or state  
388 permit before the municipal action on the local development



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389 permit.

390 (6)~~(5)~~ Issuance of a development permit or development  
391 order by a municipality does not ~~in any way~~ create any right on  
392 the part of an applicant to obtain a permit from a state or  
393 federal agency and does not create any liability on the part of  
394 the municipality for issuance of the permit if the applicant  
395 fails to obtain requisite approvals or fulfill the obligations  
396 imposed by a state or federal agency or undertakes actions that  
397 result in a violation of state or federal law. A municipality  
398 shall attach such a disclaimer to the issuance of development  
399 permits and shall include a permit condition that all other  
400 applicable state or federal permits be obtained before  
401 commencement of the development.

402 (7)~~(6)~~ This section does not prohibit a municipality from  
403 providing information to an applicant regarding what other state  
404 or federal permits may apply.

405 Section 9. Section 166.04151, Florida Statutes, is amended  
406 to read:

407 166.04151 Affordable housing.—

408 (1) Notwithstanding any other provision of law, a  
409 municipality may adopt and maintain in effect any law,  
410 ordinance, rule, or other measure that is adopted for the  
411 purpose of increasing the supply of affordable housing using  
412 land use mechanisms such as inclusionary housing ordinances.

413 (2) An inclusionary housing ordinance may require a  
414 developer to provide a specified number or percentage of  
415 affordable housing units to be included in a development or  
416 allow a developer to contribute to a housing fund or other  
417 alternatives in lieu of building the affordable housing units.



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418 However, in exchange, a municipality must provide incentives to  
419 fully offset all costs to the developer of its affordable  
420 housing contribution. Such incentives may include, but are not  
421 limited to:

422 (a) Allowing the developer density or intensity bonus  
423 incentives or more floor space than allowed under the current or  
424 proposed future land use designation or zoning;

425 (b) Reducing or waiving fees, such as impact fees or water  
426 and sewer charges; or

427 (c) Granting other incentives.

428 (3) Subsection (2) does not apply in an area of critical  
429 state concern, as designated by s. 380.0552 or chapter 28-36,  
430 Florida Administrative Code.

431 Section 10. Subsection (8) of section 420.502, Florida  
432 Statutes, is amended to read:

433 420.502 Legislative findings.—It is hereby found and  
434 declared as follows:

435 (8)(a) It is necessary to create new programs to stimulate  
436 the construction and substantial rehabilitation of rental  
437 housing for eligible persons and families.

438 (b) It is necessary to create a state housing finance  
439 strategy to provide affordable workforce housing opportunities  
440 to essential services personnel in areas of critical state  
441 concern designated under s. 380.05, for which the Legislature  
442 has declared its intent to provide affordable housing, and areas  
443 that were designated as areas of critical state concern for at  
444 least 20 consecutive years before removal of the designation.  
445 The lack of affordable workforce housing has been exacerbated by  
446 the dwindling availability of developable land, environmental





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447 constraints, rising construction and insurance costs, and the  
448 shortage of lower-cost housing units. As this state's population  
449 continues to grow, essential services personnel vital to the  
450 economies of areas of critical state concern are unable to live  
451 in the communities where they work, creating transportation  
452 congestion and hindering their quality of life and community  
453 engagement.

454 Section 11. Present subsections (18) through (42) of  
455 section 420.503, Florida Statutes, are redesignated as  
456 subsections (19) through (43), respectively, a new subsection  
457 (18) is added to that section, and subsection (15) of that  
458 section is amended, to read:

459 420.503 Definitions.—As used in this part, the term:

460 (15) "Elderly" means persons 62 years of age or older;  
461 however, this definition does not prohibit housing from being  
462 deemed housing for the elderly as defined in subsection (20)  
463 ~~(19)~~ if such housing otherwise meets the requirements of  
464 subsection (20) ~~(19)~~.

465 (18) "Essential services personnel" means natural persons  
466 or families whose total annual household income is at or below  
467 120 percent of the area median income, adjusted for household  
468 size, and at least one of whom is employed as police or fire  
469 personnel, a child care worker, a teacher or other education  
470 personnel, health care personnel, a public employee, or a  
471 service worker.

472 Section 12. Subsection (3) of section 420.5095, Florida  
473 Statutes, is amended to read:

474 420.5095 Community Workforce Housing Innovation Pilot  
475 Program.—



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476 (3) For purposes of this section, the term:

477 (a) "Workforce housing" means housing affordable to natural  
478 persons or families whose total annual household income does not  
479 exceed 140 percent of the area median income, adjusted for  
480 household size, or 150 percent of area median income, adjusted  
481 for household size, in areas of critical state concern  
482 designated under s. 380.05, for which the Legislature has  
483 declared its intent to provide affordable housing, and areas  
484 that were designated as areas of critical state concern for at  
485 least 20 consecutive years prior to removal of the designation.

486 ~~(b) "Essential services personnel" means persons in need of~~  
487 ~~affordable housing who are employed in occupations or~~  
488 ~~professions in which they are considered essential services~~  
489 ~~personnel, as defined by each county and eligible municipality~~  
490 ~~within its respective local housing assistance plan pursuant to~~  
491 ~~s. 420.9075(3)(a).~~

492 ~~(c) "Public-private partnership" means any form of business~~  
493 ~~entity that includes substantial involvement of at least one~~  
494 ~~county, one municipality, or one public sector entity, such as a~~  
495 ~~school district or other unit of local government in which the~~  
496 ~~project is to be located, and at least one private sector for-~~  
497 ~~profit or not-for-profit business or charitable entity, and may~~  
498 ~~be any form of business entity, including a joint venture or~~  
499 ~~contractual agreement.~~

500 Section 13. Paragraph (a) of subsection (1) of section  
501 252.363, Florida Statutes, is amended to read:

502 252.363 Tolling and extension of permits and other  
503 authorizations.—

504 (1) (a) The declaration of a state of emergency issued by



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505 the Governor for a natural emergency tolls the period remaining  
506 to exercise the rights under a permit or other authorization for  
507 the duration of the emergency declaration. Further, the  
508 emergency declaration extends the period remaining to exercise  
509 the rights under a permit or other authorization for 6 months in  
510 addition to the tolled period. This paragraph applies to the  
511 following:

512 1. The expiration of a development order issued by a local  
513 government.

514 2. The expiration of a building permit.

515 3. The expiration of a permit issued by the Department of  
516 Environmental Protection or a water management district pursuant  
517 to part IV of chapter 373.

518 4. The buildout date of a development of regional impact,  
519 including any extension of a buildout date that was previously  
520 granted as specified in s. 380.06(7)(c).

521 Section 14. Subsection (1), paragraph (b) of subsection  
522 (2), and subsections (4) through (7) and (18) of section  
523 553.791, Florida Statutes, are amended to read:

524 553.791 Alternative plans review and inspection.—

525 (1) As used in this section, the term:

526 (a) "Applicable codes" means the Florida Building Code and  
527 any local technical amendments to the Florida Building Code but  
528 does not include the applicable minimum fire prevention and  
529 firesafety codes adopted pursuant to chapter 633.

530 (b) "Audit" means the process to confirm that the building  
531 code inspection services have been performed by the private  
532 provider, including ensuring that the required affidavit for the  
533 plan review has been properly completed and affixed to the



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534 permit documents and that the minimum mandatory inspections  
535 required under the building code have been performed and  
536 properly recorded. ~~The term does not mean that the local~~  
537 building official may not ~~is required to~~ replicate the plan  
538 review or inspection being performed by the private provider,  
539 unless expressly authorized by this section.

540 (c) "Building" means any construction, erection,  
541 alteration, demolition, or improvement of, or addition to, any  
542 structure or site work for which permitting by a local  
543 enforcement agency is required.

544 (d) "Building code inspection services" means those  
545 services described in s. 468.603(5) and (8) involving the review  
546 of building plans as well as those services involving the review  
547 of site plans and site work engineering plans or their  
548 functional equivalent, to determine compliance with applicable  
549 codes and those inspections required by law of each phase of  
550 construction for which permitting by a local enforcement agency  
551 is required to determine compliance with applicable codes.

552 (e) "Duly authorized representative" means an agent of the  
553 private provider identified in the permit application who  
554 reviews plans or performs inspections as provided by this  
555 section and who is licensed as an engineer under chapter 471 or  
556 as an architect under chapter 481 or who holds a standard  
557 certificate under part XII of chapter 468.

558 (f) "Immediate threat to public safety and welfare" means a  
559 building code violation that, if allowed to persist, constitutes  
560 an immediate hazard that could result in death, serious bodily  
561 injury, or significant property damage. This paragraph does not  
562 limit the authority of the local building official to issue a



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563 Notice of Corrective Action at any time during the construction  
564 of a building project or any portion of such project if the  
565 official determines that a condition of the building or portion  
566 thereof may constitute a hazard when the building is put into  
567 use following completion as long as the condition cited is shown  
568 to be in violation of the building code or approved plans.

569 (g) "Local building official" means the individual within  
570 the governing jurisdiction responsible for direct regulatory  
571 administration or supervision of plans review, enforcement, and  
572 inspection of any construction, erection, alteration,  
573 demolition, or substantial improvement of, or addition to, any  
574 structure for which permitting is required to indicate  
575 compliance with applicable codes and includes any duly  
576 authorized designee of such person.

577 (h) "Permit application" means a properly completed and  
578 submitted application for the requested building or construction  
579 permit, including:

- 580 1. The plans reviewed by the private provider.  
581 2. The affidavit from the private provider required under  
582 subsection (6).  
583 3. Any applicable fees.  
584 4. Any documents required by the local building official to  
585 determine that the fee owner has secured all other government  
586 approvals required by law.

587 (i) "Plans" means building plans, site engineering plans,  
588 or site plans, or their functional equivalent, submitted by a  
589 fee owner or fee owner's contractor to a private provider or  
590 duly authorized representative for review.

591 (j)(i) "Private provider" means a person licensed as a



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592 building code administrator under part XII of chapter 468, as an  
593 engineer under chapter 471, or as an architect under chapter  
594 481. For purposes of performing inspections under this section  
595 for additions and alterations that are limited to 1,000 square  
596 feet or less to residential buildings, the term "private  
597 provider" also includes a person who holds a standard  
598 certificate under part XII of chapter 468.

599 (k)~~(j)~~ "Request for certificate of occupancy or certificate  
600 of completion" means a properly completed and executed  
601 application for:

- 602 1. A certificate of occupancy or certificate of completion.
- 603 2. A certificate of compliance from the private provider  
604 required under subsection (11).
- 605 3. Any applicable fees.
- 606 4. Any documents required by the local building official to  
607 determine that the fee owner has secured all other government  
608 approvals required by law.

609 (l) "Site work" means the portion of a construction project  
610 that is not part of the building structure, including, but not  
611 limited to, grading, excavation, landscape irrigation, and  
612 installation of driveways.

613 (m)~~(k)~~ "Stop-work order" means the issuance of any written  
614 statement, written directive, or written order which states the  
615 reason for the order and the conditions under which the cited  
616 work will be permitted to resume.

617 (2)

618 (b) It is the intent of the Legislature that owners and  
619 contractors pay reduced fees ~~not be required to pay extra costs~~  
620 related to building permitting requirements when hiring a



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621 private provider for plans review and building inspections. A  
622 local jurisdiction must calculate the cost savings to the local  
623 enforcement agency, based on a fee owner or contractor hiring a  
624 private provider to perform plans reviews and building  
625 inspections in lieu of the local building official, and reduce  
626 the permit fees accordingly. The local jurisdiction may not  
627 charge fees for building inspections if the fee owner or  
628 contractor hires a private provider; however, the local  
629 jurisdiction may charge a reasonable administrative fee.

630 (4) A fee owner or the fee owner's contractor using a  
631 private provider to provide building code inspection services  
632 shall notify the local building official at the time of permit  
633 application, or by 2 p.m. local time, 2 no less than 7 business  
634 days before ~~prior to~~ the first scheduled inspection by the local  
635 building official or building code enforcement agency for a  
636 private provider performing required inspections of construction  
637 under this section, on a form to be adopted by the commission.  
638 This notice shall include the following information:

639 (a) The services to be performed by the private provider.

640 (b) The name, firm, address, telephone number, and  
641 facsimile number of each private provider who is performing or  
642 will perform such services, his or her professional license or  
643 certification number, qualification statements or resumes, and,  
644 if required by the local building official, a certificate of  
645 insurance demonstrating that professional liability insurance  
646 coverage is in place for the private provider's firm, the  
647 private provider, and any duly authorized representative in the  
648 amounts required by this section.

649 (c) An acknowledgment from the fee owner in substantially



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650 the following form:

651

652 I have elected to use one or more private providers to  
653 provide building code plans review and/or inspection  
654 services on the building or structure that is the  
655 subject of the enclosed permit application, as  
656 authorized by s. 553.791, Florida Statutes. I  
657 understand that the local building official may not  
658 review the plans submitted or perform the required  
659 building inspections to determine compliance with the  
660 applicable codes, except to the extent specified in  
661 said law. Instead, plans review and/or required  
662 building inspections will be performed by licensed or  
663 certified personnel identified in the application. The  
664 law requires minimum insurance requirements for such  
665 personnel, but I understand that I may require more  
666 insurance to protect my interests. By executing this  
667 form, I acknowledge that I have made inquiry regarding  
668 the competence of the licensed or certified personnel  
669 and the level of their insurance and am satisfied that  
670 my interests are adequately protected. I agree to  
671 indemnify, defend, and hold harmless the local  
672 government, the local building official, and their  
673 building code enforcement personnel from any and all  
674 claims arising from my use of these licensed or  
675 certified personnel to perform building code  
676 inspection services with respect to the building or  
677 structure that is the subject of the enclosed permit  
678 application.





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If the fee owner or the fee owner's contractor makes any changes to the listed private providers or the services to be provided by those private providers, the fee owner or the fee owner's contractor shall, within 1 business day after any change, update the notice to reflect such changes. A change of a duly authorized representative named in the permit application does not require a revision of the permit, and the building code enforcement agency shall not charge a fee for making the change. In addition, the fee owner or the fee owner's contractor shall post at the project site, before ~~prior to~~ the commencement of construction and updated within 1 business day after any change, on a form to be adopted by the commission, the name, firm, address, telephone number, and facsimile number of each private provider who is performing or will perform building code inspection services, the type of service being performed, and similar information for the primary contact of the private provider on the project.

(5) After construction has commenced and if the local building official is unable to provide inspection services in a timely manner, the fee owner or the fee owner's contractor may elect to use a private provider to provide inspection services by notifying the local building official of the owner's or contractor's intention to do so by 2 p.m. local time, 2 ~~no less than 7~~ business days before ~~prior to~~ the next scheduled inspection using the notice provided for in paragraphs (4) (a) - (c).

(6) A private provider performing plans review under this section shall review the ~~construction~~ plans to determine



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708 compliance with the applicable codes. Upon determining that the  
709 plans reviewed comply with the applicable codes, the private  
710 provider shall prepare an affidavit or affidavits on a form  
711 reasonably acceptable to ~~adopted by~~ the commission certifying,  
712 under oath, that the following is true and correct to the best  
713 of the private provider's knowledge and belief:

714 (a) The plans were reviewed by the affiant, who is duly  
715 authorized to perform plans review pursuant to this section and  
716 holds the appropriate license or certificate.

717 (b) The plans comply with the applicable codes.

718 (7) (a) No more than 20 ~~30~~ business days after receipt of a  
719 permit application and the affidavit from the private provider  
720 required pursuant to subsection (6), the local building official  
721 shall issue the requested permit or provide a written notice to  
722 the permit applicant identifying the specific plan features that  
723 do not comply with the applicable codes, as well as the specific  
724 code chapters and sections. If the local building official does  
725 not provide a written notice of the plan deficiencies within the  
726 prescribed 20-day ~~30-day~~ period, the permit application shall be  
727 deemed approved as a matter of law, and the permit shall be  
728 issued by the local building official on the next business day.

729 (b) If the local building official provides a written  
730 notice of plan deficiencies to the permit applicant within the  
731 prescribed 20-day ~~30-day~~ period, the 20-day ~~30-day~~ period shall  
732 be tolled pending resolution of the matter. To resolve the plan  
733 deficiencies, the permit applicant may elect to dispute the  
734 deficiencies pursuant to subsection (13) or to submit revisions  
735 to correct the deficiencies.

736 (c) If the permit applicant submits revisions, the local



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737 building official has the remainder of the tolled 20-day ~~30-day~~  
738 period plus 5 business days from the date of resubmittal to  
739 issue the requested permit or to provide a second written notice  
740 to the permit applicant stating which of the previously  
741 identified plan features remain in noncompliance with the  
742 applicable codes, with specific reference to the relevant code  
743 chapters and sections. Any subsequent review by the local  
744 building official is limited to the deficiencies cited in the  
745 written notice. If the local building official does not provide  
746 the second written notice within the prescribed time period, the  
747 permit shall be deemed approved as a matter of law, and issued  
748 ~~by~~ the local building official must issue the permit on the next  
749 business day.

750 (d) If the local building official provides a second  
751 written notice of plan deficiencies to the permit applicant  
752 within the prescribed time period, the permit applicant may  
753 elect to dispute the deficiencies pursuant to subsection (13) or  
754 to submit additional revisions to correct the deficiencies. For  
755 all revisions submitted after the first revision, the local  
756 building official has an additional 5 business days from the  
757 date of resubmittal to issue the requested permit or to provide  
758 a written notice to the permit applicant stating which of the  
759 previously identified plan features remain in noncompliance with  
760 the applicable codes, with specific reference to the relevant  
761 code chapters and sections.

762 (18) Each local building code enforcement agency may audit  
763 the performance of building code inspection services by private  
764 providers operating within the local jurisdiction. However, the  
765 same private provider may not be audited more than four times in



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766 a calendar year unless the local building official determines a  
767 condition of a building constitutes an immediate threat to  
768 public safety and welfare. Work on a building or structure may  
769 proceed after inspection and approval by a private provider if  
770 the provider has given notice of the inspection pursuant to  
771 subsection (9) and, subsequent to such inspection and approval,  
772 the work shall not be delayed for completion of an inspection  
773 audit by the local building code enforcement agency.

774 Section 15. Paragraph (1) of subsection (2) of section  
775 718.112, Florida Statutes, is amended to read:

776 718.112 Bylaws.—

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

780 (1) Firesafety.—An association must ensure compliance with  
781 the Florida Fire Prevention Code. As to a residential  
782 condominium building that is a high-rise building as defined  
783 under the Florida Fire Prevention Code, the association must  
784 retrofit either a fire sprinkler system or an engineered life  
785 safety system as specified in the Florida Fire Prevention Code  
786 ~~Certificate of compliance. A provision that a certificate of~~  
787 ~~compliance from a licensed electrical contractor or electrician~~  
788 ~~may be accepted by the association's board as evidence of~~  
789 ~~compliance of the condominium units with the applicable fire and~~  
790 ~~life safety code must be included.~~ Notwithstanding chapter 633  
791 or of any other code, statute, ordinance, administrative rule,  
792 or regulation, or any interpretation of the foregoing, an  
793 association, residential condominium, or unit owner is not  
794 obligated to retrofit the common elements, association property,



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795 or units of a residential condominium with a fire sprinkler  
796 system in a building that has been certified for occupancy by  
797 the applicable governmental entity if the unit owners have voted  
798 to forego such retrofitting by the affirmative vote of a  
799 majority of all voting interests in the affected condominium.  
800 The local authority having jurisdiction may not require  
801 completion of retrofitting with a fire sprinkler system or an  
802 engineered life safety system before January 1, 2024 2020. ~~By~~  
803 ~~December 31, 2016, a residential condominium association that is~~  
804 ~~not in compliance with the requirements for a fire sprinkler~~  
805 ~~system and has not voted to forego retrofitting of such a system~~  
806 ~~must initiate an application for a building permit for the~~  
807 ~~required installation with the local government having~~  
808 ~~jurisdiction demonstrating that the association will become~~  
809 ~~compliant by December 31, 2019.~~

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



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824 notice is provided to each owner, a copy must be provided by the  
825 current owner to a new owner before closing and by a unit owner  
826 to a renter before signing a lease.

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

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

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

849       5. This paragraph does not apply to timeshare condominium  
850 associations, which shall be governed by s. 721.24.

851       Section 16. Section 718.1085, Florida Statutes, is amended  
852 to read:



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853           718.1085 Certain regulations not to be retroactively  
854 applied.—Notwithstanding the provisions of chapter 633 or of any  
855 other code, statute, ordinance, administrative rule, or  
856 regulation, or any interpretation thereof, an association,  
857 condominium, or unit owner is not obligated to retrofit the  
858 common elements or units of a residential condominium that meets  
859 the definition of “housing for older persons” in s.

860 760.29(4)(b)3. to comply with requirements relating to handrails  
861 and guardrails if the unit owners have voted to forego such  
862 retrofitting by the affirmative vote of two-thirds of all voting  
863 interests in the affected condominium. However, a condominium  
864 association may not vote to forego the retrofitting in common  
865 areas in a high-rise building. For the purposes of this section,  
866 the term “high-rise building” means a building that is greater  
867 than 75 feet in height where the building height is measured  
868 from the lowest level of fire department access to the floor of  
869 the highest occupiable level. For the purposes of this section,  
870 the term “common areas” means stairwells and exposed, outdoor  
871 walkways and corridors, but does not include individual  
872 balconies. In no event shall the local authority having  
873 jurisdiction require retrofitting of common areas with handrails  
874 and guardrails before the end of 2024 ~~2014~~.

875           (1) A vote to forego retrofitting may not be obtained by  
876 general proxy or limited proxy, but shall be obtained by a vote  
877 personally cast at a duly called membership meeting, or by  
878 execution of a written consent by the member, and shall be  
879 effective upon the recording of a certificate attesting to such  
880 vote in the public records of the county where the condominium  
881 is located. The association shall provide each unit owner



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882 written notice of the vote to forego retrofitting of the  
883 required handrails or guardrails, or both, in at least 16-point  
884 bold type, by certified mail, within 20 days after the  
885 association's vote. After such notice is provided to each owner,  
886 a copy of such notice shall be provided by the current owner to  
887 a new owner prior to closing and shall be provided by a unit  
888 owner to a renter prior to signing a lease.

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

897 Section 17. By July 1, 2019, the State Fire Marshal shall  
898 issue a data call to all local fire officials to collect data  
899 regarding high-rise condominiums greater than 75 feet in height  
900 which have not retrofitted with a fire sprinkler system or an  
901 engineered life safety system in accordance with ss. 633.208(5)  
902 and 718.112(2)(1), Florida Statutes. Local fire officials shall  
903 submit such data to the State Fire Marshal and shall include,  
904 for each individual building, the address, the number of units,  
905 and the number of stories. By July 1, 2020, all data must be  
906 received and compiled into a report by city and county. By  
907 September 1, 2020, the report must be sent to the Governor, the  
908 President of the Senate, and the Speaker of the House of  
909 Representatives.

910 Section 18. This act shall take effect upon becoming a law.





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911  
912 ===== T I T L E A M E N D M E N T =====

913 And the title is amended as follows:

914 Delete everything before the enacting clause  
915 and insert:

916 A bill to be entitled  
917 An act relating to community development and housing;  
918 amending s. 125.01055, F.S.; authorizing an  
919 inclusionary housing ordinance to require a developer  
920 to provide a specified number or percentage of  
921 affordable housing units to be included in a  
922 development or allow a developer to contribute to a  
923 housing fund or other alternatives; requiring a county  
924 to provide certain incentives to fully offset all  
925 costs to the developer of its affordable housing  
926 contribution; providing applicability; amending s.  
927 125.022, F.S.; requiring that a county review the  
928 application for completeness and issue a certain  
929 letter within a specified period after receiving an  
930 application for approval of a development permit or  
931 development order; providing procedures for addressing  
932 deficiencies in, and for approving or denying, the  
933 application; providing applicability of certain  
934 timeframes; conforming provisions to changes made by  
935 the act; defining the term "development order";  
936 amending s. 163.3167, F.S.; providing requirements for  
937 a comprehensive plan adopted after a specified date  
938 and all land development regulations adopted to  
939 implement the comprehensive plan; amending s.



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940 163.3180, F.S.; revising compliance requirements for a  
941 mobility fee-based funding system; requiring a local  
942 government to credit certain contributions,  
943 constructions, expansions, or payments toward any  
944 other impact fee or exaction imposed by local  
945 ordinance for public educational facilities; providing  
946 requirements for the basis of the credit; amending s.  
947 163.31801, F.S.; adding minimum conditions that  
948 certain impact fees must satisfy; requiring a local  
949 government to credit against the collection of an  
950 impact fee any contribution related to public  
951 education facilities, subject to certain requirements;  
952 requiring the holder of certain impact fee credits to  
953 be entitled to a certain benefit if a local government  
954 increases its impact fee rates; providing  
955 applicability; providing that the government, in  
956 certain actions, has the burden of proving by a  
957 preponderance of the evidence that the imposition or  
958 amount of certain required dollar-for-dollar credits  
959 for the payment of impact fees meets certain  
960 requirements; prohibiting the court from using a  
961 deferential standard for the benefit of the  
962 government; authorizing a county, municipality, or  
963 special district to provide an exception or waiver for  
964 an impact fee for the development or construction of  
965 housing that is affordable; providing that if a  
966 county, municipality, or special district provides  
967 such exception or waiver, it is not required to use  
968 any revenues to offset the impact; providing



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969 applicability; amending s. 163.3202, F.S.; requiring  
970 local land development regulations to incorporate  
971 certain preexisting development orders; amending s.  
972 163.3215, F.S.; providing that either party is  
973 entitled to a certain summary procedure in certain  
974 proceedings; requiring the court to advance such cause  
975 on the calendar, subject to certain requirements;  
976 providing that the prevailing party in a certain  
977 challenge to a development order is entitled to  
978 certain attorney fees and costs; amending s. 166.033,  
979 F.S.; requiring that a municipality review the  
980 application for completeness and issue a certain  
981 letter within a specified period after receiving an  
982 application for approval of a development permit or  
983 development order; providing procedures for addressing  
984 deficiencies in, and for approving or denying, the  
985 application; providing applicability of certain  
986 timeframes; conforming provisions to changes made by  
987 the act; defining the term "development order";  
988 amending s. 166.04151, F.S.; authorizing an  
989 inclusionary housing ordinance to require a developer  
990 to provide a specified number or percentage of  
991 affordable housing units to be included in a  
992 development or allow a developer to contribute to a  
993 housing fund or other alternatives; requiring a  
994 municipality to provide certain incentives to fully  
995 offset all costs to the developer of its affordable  
996 housing contribution; providing applicability;  
997 amending s. 420.502, F.S.; revising legislative



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998 findings for a certain state housing finance strategy;  
999 amending s. 420.503, F.S.; conforming cross-  
1000 references; defining the term "essential services  
1001 personnel"; amending s. 420.5095, F.S.; deleting the  
1002 definition of the term "essential services personnel";  
1003 amending s. 252.363, F.S.; providing that the  
1004 declaration of a state of emergency issued by the  
1005 Governor for a natural emergency tolls the period  
1006 remaining to exercise the rights under a permit or  
1007 other authorization for the duration of the emergency  
1008 declaration; amending s. 553.791, F.S.; providing and  
1009 revising definitions; revising legislative intent;  
1010 prohibiting a local jurisdiction from charging fees  
1011 for building inspections if the fee owner or  
1012 contractor hires a private provider; authorizing the  
1013 local jurisdiction to charge a reasonable  
1014 administrative fee; revising the timeframe within  
1015 which an owner or contractor must notify the building  
1016 official that he or she is using a certain private  
1017 provider; revising the type of affidavit form to be  
1018 used by certain private providers under certain  
1019 circumstances; revising the timeframe within which a  
1020 building official must approve or deny a permit  
1021 application; specifying the timeframe within which the  
1022 local building official must issue a certain permit or  
1023 notice of noncompliance if the permit applicant  
1024 submits revisions; limiting a building official's  
1025 review of a resubmitted permit application to  
1026 previously identified deficiencies; limiting the



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1027 number of times a building official may audit a  
1028 private provider, with exceptions; amending s.  
1029 718.112, F.S.; requiring condominium associations to  
1030 ensure compliance with the Florida Fire Prevention  
1031 Code; requiring associations to retrofit certain high-  
1032 rise buildings with either a fire sprinkler system or  
1033 an engineered life safety system as specified in the  
1034 code; deleting a requirement for association bylaws to  
1035 include a provision relating to certain certificates  
1036 of compliance; extending and specifying the date  
1037 before which local authorities having jurisdiction may  
1038 not require completion of retrofitting a fire  
1039 sprinkler system or a engineered life safety system,  
1040 respectively; deleting an obsolete provision;  
1041 providing applicability; amending s. 718.1085, F.S.;  
1042 revising the definition of the term "common areas" to  
1043 exclude individual balconies; extending the year  
1044 before which the local authority having jurisdiction  
1045 may not require retrofitting of common areas with  
1046 handrails and guardrails; requiring the State Fire  
1047 Marshal, by a certain date, to issue a data call to  
1048 all local fire officials to collect data on certain  
1049 high-rise condominiums; specifying data that local  
1050 fire officials must submit; requiring that all data be  
1051 received and compiled into a certain report by a  
1052 certain date; requiring that the report be sent to the  
1053 Governor and the Legislature by a certain date;  
1054 providing an effective date.