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LEGISLATIVE ACTION

Senate

.

House

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Floor: 1/RE/3R

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04/29/2019 03:26 PM

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Senator Hooper moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 553.792, Florida Statutes, is amended to
read:

553.792 Building permit application to local government;
fire alarm permit applications.-

(1) Within 10 days of an applicant submitting an
application to the local government, the local government shall
advise the applicant what information, if any, is needed to deem



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12 the application properly completed in compliance with the filing
13 requirements published by the local government. If the local
14 government does not provide written notice that the applicant
15 has not submitted the properly completed application, the
16 application shall be automatically deemed properly completed and
17 accepted. Within 45 days after receiving a completed
18 application, a local government must notify an applicant if
19 additional information is required for the local government to
20 determine the sufficiency of the application, and shall specify
21 the additional information that is required. The applicant must
22 submit the additional information to the local government or
23 request that the local government act without the additional
24 information. While the applicant responds to the request for
25 additional information, the 120-day period described in this
26 subsection is tolled. Both parties may agree to a reasonable
27 request for an extension of time, particularly in the event of a
28 force major or other extraordinary circumstance. The local
29 government must approve, approve with conditions, or deny the
30 application within 120 days following receipt of a completed
31 application.

32 (2) The procedures set forth in subsection (1) apply to the
33 following building permit applications: accessory structure;
34 alarm permit; nonresidential buildings less than 25,000 square
35 feet; electric; irrigation permit; landscaping; mechanical;
36 plumbing; residential units other than a single family unit;
37 multifamily residential not exceeding 50 units; roofing; signs;
38 site-plan approvals and subdivision plats not requiring public
39 hearings or public notice; and lot grading and site alteration
40 associated with the permit application set forth in this



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41 subsection. The procedures set forth in subsection (1) do not
42 apply to permits for any wireless communications facilities or
43 when a law, agency rule, or local ordinance specify different
44 timeframes for review of local building permit applications.

45 (3) Beginning October 1, 2019, for any project requiring a
46 fire alarm permit, a uniform fire alarm permit application must
47 be used and submitted to the local enforcement agency along with
48 any required drawings, plans, and supporting documentation. The
49 uniform fire alarm permit application may be submitted
50 electronically or by facsimile and must be signed by the owner,
51 contractor, or authorized representative of either such person.
52 The uniform fire alarm permit application must contain the
53 following information in substantially the following form:

54
55 UNIFORM FIRE ALARM PERMIT APPLICATION

56
57 Tax Folio No.:

58 Application No.:

59 Owner or Representative Name:

60 Property Address:

61 City: State: Zip:

62 Phone:

63 Fee Simple Titleholder's Name (if other than owner):

64 Fee Simple Titleholder's Address (if other than owner):

65

66 Description of Work: New Install Replacement

67 Addition Other

68 Construction Type:

69 Proposed Use:



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70 Alarm Contractor's Name:
71 Alarm Contractor's Address:
72 City: State: Zip:
73 Phone:
74 Alarm Contractor's License No:

75
76 Application is hereby made to obtain a permit to do the
77 work and installation as indicated. I certify that no work or
78 installation has commenced before the filing of this permit
79 application. I certify that all of the foregoing information is
80 true and accurate.

81
82 ...(Signature of Owner, Contractor, or Agent)...
83 Printed Name:

84
85 (4) The procedures set forth in subsection (1) do not apply
86 to the installation or replacement of a fire alarm system if a
87 plans review is not required by the local enforcement agency.

88 (5) For repairs to an existing fire alarm system that was
89 previously permitted by the local enforcement agency, the
90 contractor may begin the repair upon filing the uniform fire
91 alarm permit application with the local enforcement agency if
92 the local enforcement agency requires fire alarm permits for
93 repairs.

94 Section 2. Subsection (1) of section 633.216, Florida
95 Statutes, is amended to read:

96 633.216 Inspection of buildings and equipment; orders;
97 firesafety inspection training requirements; certification;
98 disciplinary action.—The State Fire Marshal and her or his



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99 agents or persons authorized to enforce laws and rules of the
100 State Fire Marshal shall, at any reasonable hour, when the State
101 Fire Marshal has reasonable cause to believe that a violation of
102 this chapter or s. 509.215, or a rule adopted thereunder, or a
103 minimum firesafety code adopted by the State Fire Marshal or a
104 local authority, may exist, inspect any and all buildings and
105 structures which are subject to the requirements of this chapter
106 or s. 509.215 and rules adopted thereunder. The authority to
107 inspect shall extend to all equipment, vehicles, and chemicals
108 which are located on or within the premises of any such building
109 or structure.

110 (1) Each county, municipality, and special district that
111 has firesafety enforcement responsibilities shall employ or
112 contract with a firesafety inspector. Except as provided in s.
113 633.312(2), ~~and~~ (3), and (4), the firesafety inspector must
114 conduct all firesafety inspections that are required by law. The
115 governing body of a county, municipality, or special district
116 that has firesafety enforcement responsibilities may provide a
117 schedule of fees to pay only the costs of inspections conducted
118 pursuant to this subsection and related administrative expenses.
119 Two or more counties, municipalities, or special districts that
120 have firesafety enforcement responsibilities may jointly employ
121 or contract with a firesafety inspector.

122 Section 3. Present subsections (4) and (5) of section
123 633.312, Florida Statutes, are redesignated as subsections (5)
124 and (6), respectively, and subsection (3) of that section is
125 amended, to read:

126 633.312 Inspection of fire control systems, fire hydrants,
127 and fire protection systems.—



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

136 (b) The State Fire Marshal shall adopt rules to implement a
137 uniform summary inspection report and submission procedures to
138 be used by all third-party vendors and local authorities having
139 jurisdiction. For purposes of this section, a uniform summary
140 inspection report must record the address where the fire
141 protection system or hydrant is located, the company and person
142 conducting the inspection and their license number, the date of
143 the inspection, and the fire protection system or hydrant
144 inspection status, including a brief summary of each deficiency,
145 critical deficiency, noncritical deficiency, or impairment
146 found. A contractor's detailed inspection report is not required
147 to follow the uniform summary inspection report format. The
148 State Fire Marshal shall establish by rule a submission
149 procedure for each means provided under paragraph (a) by which a
150 local authority having jurisdiction may accept uniform summary
151 inspection reports. Each of the submission procedures must allow
152 a contractor to attach additional documents with the submission
153 of a uniform summary inspection report, including a physical
154 copy of the contractor's detailed inspection report. A
155 submission procedure may not require a contractor to submit
156 information contained within the detailed inspection report



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157 unless the information is required to be included in the uniform
158 summary inspection report.

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

172 Section 4. Paragraph (1) of subsection (2) of section
173 718.112, Florida Statutes, is amended to read:

174 718.112 Bylaws.—

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

178 (1) Firesafety.—An association must ensure reasonable
179 compliance with the Florida Fire Prevention Code. For purposes
180 of this paragraph, the term "reasonable compliance" means the
181 ability to select alternative solutions to ensure that the
182 property meets the level of firesafety required by the Florida
183 Fire Prevention Code. As to a residential condominium building
184 that is a high-rise building as defined under the Florida Fire
185 Prevention Code, the association may either retrofit a fire



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186 sprinkler system or install an engineered life safety system as
187 specified in the Florida Fire Prevention Code *Certificate of*
188 *compliance.* ~~A provision that a certificate of compliance from a~~
189 ~~licensed electrical contractor or electrician may be accepted by~~
190 ~~the association's board as evidence of compliance of the~~
191 ~~condominium units with the applicable fire and life safety code~~
192 ~~must be included. Notwithstanding chapter 633 or of any other~~
193 ~~code, statute, ordinance, administrative rule, or regulation, or~~
194 ~~any interpretation of the foregoing, an association, residential~~
195 ~~condominium, or unit owner is not obligated to retrofit the~~
196 ~~common elements, association property, or units of a residential~~
197 ~~condominium with a fire sprinkler system in a building that has~~
198 ~~been certified for occupancy by the applicable governmental~~
199 ~~entity if the unit owners have voted to forego such retrofitting~~
200 ~~by the affirmative vote of a majority of all voting interests in~~
201 ~~the affected condominium.~~

202 1. The local authority having jurisdiction may not require
203 completion of retrofitting with a fire sprinkler system or
204 completion of installation of an engineered life safety system
205 before January 1, 2024 2020. ~~By December 31, 2016, a residential~~
206 ~~condominium association that is not in compliance with the~~
207 ~~requirements for a fire sprinkler system and has not voted to~~
208 ~~forego retrofitting of such a system must initiate an~~
209 ~~application for a building permit for the required installation~~
210 ~~with the local government having jurisdiction demonstrating that~~
211 ~~the association will become compliant by December 31, 2019.~~

212 ~~1.~~ A vote to forego retrofitting may be obtained by limited
213 proxy or by a ballot personally cast at a duly called membership
214 meeting, or by execution of a written consent by the member, and



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215 ~~is effective upon recording a certificate attesting to such vote~~
216 ~~in the public records of the county where the condominium is~~
217 ~~located. The association shall mail or hand deliver to each unit~~
218 ~~owner written notice at least 14 days before the membership~~
219 ~~meeting in which the vote to forego retrofitting of the required~~
220 ~~fire sprinkler system is to take place. Within 30 days after the~~
221 ~~association's opt-out vote, notice of the results of the opt-out~~
222 ~~vote must be mailed or hand delivered to all unit owners.~~
223 ~~Evidence of compliance with this notice requirement must be made~~
224 ~~by affidavit executed by the person providing the notice and~~
225 ~~filed among the official records of the association. After~~
226 ~~notice is provided to each owner, a copy must be provided by the~~
227 ~~current owner to a new owner before closing and by a unit owner~~
228 ~~to a renter before signing a lease.~~

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

238 ~~3. As part of the information collected annually from~~
239 ~~condominiums, the division shall require condominium~~
240 ~~associations to report the membership vote and recording of a~~
241 ~~certificate under this subsection and, if retrofitting has been~~
242 ~~undertaken, the per unit cost of such work. The division shall~~
243 ~~annually report to the Division of State Fire Marshal of the~~



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244 ~~Department of Financial Services the number of condominiums that~~
245 ~~have elected to forego retrofitting.~~

246 ~~2.4.~~ Notwithstanding s. 553.509, a residential association
247 may not be obligated to, and may forego the retrofitting of, any
248 improvements required by s. 553.509(2) upon an affirmative vote
249 of a majority of the voting interests in the affected
250 condominium.

251 Section 5. By July 1, 2019, the State Fire Marshal shall
252 issue a data call to all local fire officials to collect data
253 regarding high-rise condominiums greater than 75 feet in height
254 which have not retrofitted with a fire sprinkler system or an
255 engineered life safety system in accordance with ss. 633.208(5)
256 and 718.112(2)(1), Florida Statutes. Local fire officials shall
257 submit such data to the State Fire Marshal and shall include,
258 for each individual building, the address, the number of units,
259 and the number of stories. By July 1, 2020, all data must be
260 received and compiled into a report by city and county. By
261 September 1, 2020, the report must be sent to the Governor, the
262 President of the Senate, and the Speaker of the House of
263 Representatives.

264 Section 6. This act shall take effect upon becoming a law.

265

266 ===== T I T L E A M E N D M E N T =====

267 And the title is amended as follows:

268 Delete everything before the enacting clause
269 and insert:

270 A bill to be entitled
271 An act relating to firesafety systems; amending s.
272 553.792, F.S.; requiring, beginning on a certain date,



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273 that a uniform fire alarm permit application, along
274 with certain other information, be used and submitted
275 to the local enforcement agency for any project
276 requiring a fire alarm permit; providing that such
277 application may be submitted by certain means;
278 providing a signature requirement; specifying
279 information required in, and a form for, such
280 applications; providing applicability of certain
281 building permit application procedures; authorizing
282 contractors, under certain circumstances, to begin
283 fire alarm system repairs upon filing the uniform fire
284 alarm permit application; amending s. 633.216, F.S.;
285 conforming a cross-reference; amending s. 633.312,
286 F.S.; authorizing local authorities having
287 jurisdiction to accept uniform summary inspection
288 reports of certain fire hydrants and fire protection
289 systems by certain means; requiring the State Fire
290 Marshal to adopt rules implementing a uniform summary
291 inspection report and certain submission procedures;
292 providing requirements for such uniform report and
293 procedures; providing that such procedures may not
294 require a contractor to submit certain information;
295 amending s. 718.112, F.S.; requiring that condominium
296 association bylaws provide requirements for the
297 association's reasonable compliance with the Florida
298 Fire Prevention Code; defining the term "reasonable
299 compliance"; specifying authorized means of compliance
300 for certain residential condominiums; deleting a
301 requirement for association bylaws to contain a



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302 certain certificate of compliance provision; deleting
303 an exemption from a requirement to retrofit certain
304 condominium property with a fire sprinkler system;
305 deleting obsolete provisions; extending the date
306 before which a local authority having jurisdiction may
307 not require completion of a condominium's retrofitting
308 with a fire sprinkler system; specifying the date
309 before which such local authority having jurisdiction
310 may not require completion of installation of an
311 engineered life safety system; requiring the State
312 Fire Marshal, by a certain date, to issue a data call
313 to all local fire officials to collect data on certain
314 high-rise condominiums; specifying data that local
315 fire officials must submit; requiring that all data be
316 received and compiled into a certain report by a
317 certain date; requiring that the report be sent to the
318 Governor and the Legislature by a certain date;
319 providing an effective date.