



427046

LEGISLATIVE ACTION

| Senate     | . | House |
|------------|---|-------|
| Comm: RCS  | . |       |
| 04/23/2019 | . |       |
|            | . |       |
|            | . |       |
|            | . |       |

---

The Committee on Rules (Hooper) recommended 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



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



427046

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



427046

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



427046

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.-



427046

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



427046

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



427046

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~~





427046

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~~



427046

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 that a uniform fire alarm



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



427046

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