

By the Committee on Banking and Insurance; and Senator Hooper

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1                                   A bill to be entitled  
2       An act relating to firesafety systems; amending s.  
3       553.792, F.S.; requiring that a uniform fire alarm  
4       permit application, along with certain other  
5       information, be used and submitted to the local  
6       enforcement agency for any project requiring a fire  
7       alarm permit; providing that such application may be  
8       submitted by certain means; providing a signature  
9       requirement; specifying information required in, and a  
10      form for, such applications; providing applicability  
11      of certain building permit application procedures;  
12      authorizing contractors, under certain circumstances,  
13      to begin repairs of fire alarm system upon filing the  
14      uniform fire alarm permit application; amending s.  
15      633.216, F.S.; conforming a cross-reference; amending  
16      s. 633.312, F.S.; authorizing local authorities having  
17      jurisdiction to accept uniform summary inspection  
18      reports of certain fire hydrants and fire protection  
19      systems by certain means; requiring the State Fire  
20      Marshal to adopt rules implementing a uniform summary  
21      inspection report and certain submission procedures;  
22      providing requirements for such uniform report and  
23      procedures; providing that such procedures may not  
24      require a contractor to submit certain information;  
25      amending s. 718.112, F.S.; requiring that condominium  
26      association bylaws provide requirements for the  
27      association's reasonable compliance with the Florida  
28      Fire Prevention Code; defining the term "reasonable  
29      compliance"; providing construction; specifying

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30 authorized means of compliance for certain residential  
31 condominiums; deleting a requirement for association  
32 bylaws to contain a certain certificate of compliance  
33 provision; deleting an exemption from a requirement to  
34 retrofit certain condominium property with a fire  
35 sprinkler system; deleting procedures for such  
36 exemption; extending the date before which a local  
37 authority having jurisdiction may not require  
38 completion of retrofitting with a fire sprinkler  
39 system; specifying the date before which a local  
40 authority having jurisdiction may not require  
41 completion of installation of an engineered life  
42 safety system; requiring a residential condominium  
43 association that is not in compliance with certain  
44 requirements to perform certain duties by specified  
45 dates; providing a penalty; requiring the Division of  
46 Florida Condominiums, Timeshares, and Mobile Homes of  
47 the Department of Business and Professional Regulation  
48 to collect such penalty payments and remit them to the  
49 Firefighter Assistance Grant Program within the  
50 Division of State Fire Marshal of the Department of  
51 Financial Services; deleting an obsolete provision;  
52 deleting requirements for condominium associations to  
53 report certain information to the Division of Florida  
54 Condominiums, Timeshares, and Mobile Homes and for the  
55 division to report certain information to the Division  
56 of State Fire Marshal; providing an effective date.

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

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

(2) The procedures set forth in subsection (1) apply to the

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88 following building permit applications: accessory structure;  
 89 alarm permit; nonresidential buildings less than 25,000 square  
 90 feet; electric; irrigation permit; landscaping; mechanical;  
 91 plumbing; residential units other than a single family unit;  
 92 multifamily residential not exceeding 50 units; roofing; signs;  
 93 site-plan approvals and subdivision plats not requiring public  
 94 hearings or public notice; and lot grading and site alteration  
 95 associated with the permit application set forth in this  
 96 subsection. The procedures set forth in subsection (1) do not  
 97 apply to permits for any wireless communications facilities or  
 98 when a law, agency rule, or local ordinance specify different  
 99 timeframes for review of local building permit applications.

100 (3) For any project requiring a fire alarm permit, a  
 101 uniform fire alarm permit application must be used and submitted  
 102 to the local enforcement agency along with any required  
 103 drawings, plans, and supporting documentation. The uniform fire  
 104 alarm permit application may be submitted electronically or by  
 105 facsimile and must be signed by the owner, contractor, or  
 106 authorized representative of either such person. The uniform  
 107 fire alarm permit application must contain the following  
 108 information in substantially the following form:

110 UNIFORM FIRE ALARM PERMIT APPLICATION

111  
 112 Tax Folio No.: ....  
 113 Application No.: ....  
 114 Owner or Representative Name: ....  
 115 Property Address: ....  
 116 City: .... State: .... Zip: ....

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117        Phone: ....  
 118        Fee Simple Titleholder's Name (if other than owner): ....  
 119        Fee Simple Titleholder's Address (if other than owner):  
 120        ....  
 121        Description of Work: .... New Install .... Replacement ....  
 122        Addition .... Other ....  
 123        Construction Type: ....  
 124        Proposed Use: ....  
 125        Alarm Contractor's Name: ....  
 126        Alarm Contractor's Address: ....  
 127        City: .... State: .... Zip: ....  
 128        Phone: ....  
 129        Alarm Contractor's License No: ....

131        Application is hereby made to obtain a permit to do the  
 132        work and installation as indicated. I certify that no work or  
 133        installation has commenced before the filing of this permit  
 134        application. I certify that all of the foregoing information is  
 135        true and accurate.

136  
 137        ...(Signature of Owner, Contractor, or Agent)...  
 138        Printed Name: ....

139  
 140        (4) The procedures set forth in subsection (1) do not apply  
 141        to the installation or replacement of a fire alarm system if a  
 142        plans review is not required by the local enforcement agency.

143        (5) For repairs to an existing fire alarm system that was  
 144        previously permitted by the local enforcement agency, the  
 145        contractor may begin the repair upon filing the uniform fire

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146 alarm permit application with the local enforcement agency.

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

149 633.216 Inspection of buildings and equipment; orders;  
150 firesafety inspection training requirements; certification;  
151 disciplinary action.—The State Fire Marshal and her or his  
152 agents or persons authorized to enforce laws and rules of the  
153 State Fire Marshal shall, at any reasonable hour, when the State  
154 Fire Marshal has reasonable cause to believe that a violation of  
155 this chapter or s. 509.215, or a rule adopted thereunder, or a  
156 minimum firesafety code adopted by the State Fire Marshal or a  
157 local authority, may exist, inspect any and all buildings and  
158 structures which are subject to the requirements of this chapter  
159 or s. 509.215 and rules adopted thereunder. The authority to  
160 inspect shall extend to all equipment, vehicles, and chemicals  
161 which are located on or within the premises of any such building  
162 or structure.

163 (1) Each county, municipality, and special district that  
164 has firesafety enforcement responsibilities shall employ or  
165 contract with a firesafety inspector. Except as provided in s.  
166 633.312(2), ~~and (3), and (4),~~ the firesafety inspector must  
167 conduct all firesafety inspections that are required by law. The  
168 governing body of a county, municipality, or special district  
169 that has firesafety enforcement responsibilities may provide a  
170 schedule of fees to pay only the costs of inspections conducted  
171 pursuant to this subsection and related administrative expenses.  
172 Two or more counties, municipalities, or special districts that  
173 have firesafety enforcement responsibilities may jointly employ  
174 or contract with a firesafety inspector.

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175 Section 3. Present subsections (4) and (5) of section  
176 633.312, Florida Statutes, are redesignated as subsections (5)  
177 and (6), respectively, and subsection (3) of that section is  
178 amended, to read:

179 633.312 Inspection of fire control systems, fire hydrants,  
180 and fire protection systems.—

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

189 (b) The State Fire Marshal shall adopt rules to implement a  
190 uniform summary inspection report and submission procedures to  
191 be used by all third-party vendors and local authorities having  
192 jurisdiction. For purposes of this section, a uniform summary  
193 inspection report must record the address where the fire  
194 protection system or hydrant is located, the company and person  
195 conducting the inspection and their license number, the date of  
196 the inspection, and the fire protection system or hydrant  
197 inspection status, including a brief summary of each deficiency,  
198 critical deficiency, noncritical deficiency, or impairment  
199 found. A contractor's detailed inspection report is not required  
200 to follow the uniform summary inspection report format. The  
201 State Fire Marshal shall establish by rule a submission  
202 procedure for each means provided under paragraph (a) by which a  
203 local authority having jurisdiction may accept uniform summary

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204 inspection reports. Each of the submission procedures must allow  
205 a contractor to attach additional documents with the submission  
206 of a uniform summary inspection report, including a physical  
207 copy of the contractor's detailed inspection report. A  
208 submission procedure may not require a contractor to submit  
209 information contained within the detailed inspection report  
210 unless the information is required to be included in the uniform  
211 summary inspection report.

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

225 Section 4. Paragraph (1) of subsection (2) of section  
226 718.112, Florida Statutes, is amended to read:

227 718.112 Bylaws.—

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

231 (1) Firesafety.—An association must ensure reasonable  
232 compliance with the Florida Fire Prevention Code. For purposes



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233 of this paragraph, the term "reasonable compliance" means the  
234 ability to select alternative solutions to ensure that the  
235 property meets the level of firesafety required by the Florida  
236 Fire Prevention Code. As to a residential condominium building  
237 that is a high-rise building as defined under the Florida Fire  
238 Prevention Code, the association may either retrofit a fire  
239 sprinkler system or install an engineered life safety system as  
240 specified in the Florida Fire Prevention Code ~~Certificate of~~  
241 ~~compliance. A provision that a certificate of compliance from a~~  
242 ~~licensed electrical contractor or electrician may be accepted by~~  
243 ~~the association's board as evidence of compliance of the~~  
244 ~~condominium units with the applicable fire and life safety code~~  
245 ~~must be included. Notwithstanding chapter 633 or of any other~~  
246 ~~code, statute, ordinance, administrative rule, or regulation, or~~  
247 ~~any interpretation of the foregoing, an association, residential~~  
248 ~~condominium, or unit owner is not obligated to retrofit the~~  
249 ~~common elements, association property, or units of a residential~~  
250 ~~condominium with a fire sprinkler system in a building that has~~  
251 ~~been certified for occupancy by the applicable governmental~~  
252 ~~entity if the unit owners have voted to forego such retrofitting~~  
253 ~~by the affirmative vote of a majority of all voting interests in~~  
254 ~~the affected condominium.~~

255 1. The local authority having jurisdiction may not require  
256 completion of retrofitting with a fire sprinkler system or  
257 completion of installation of an engineered life safety system  
258 before January 1, ~~2023~~ 2020. A residential condominium  
259 association that is not in compliance with the requirements for  
260 a fire sprinkler system or an engineered life safety system  
261 shall:

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262 a. By July 1, 2020, submit a final fire sprinkler permit  
263 application and supporting documents to the authority having  
264 jurisdiction;

265 b. By July 1, 2021, obtain all necessary permits; and

266 c. By December 31, 2022, pass final inspection.

267  
268 If a residential condominium association fails to timely comply  
269 with the requirements of this subparagraph, the authority having  
270 jurisdiction shall assess a penalty against the association in  
271 the amount of \$500 per day until it attains compliance. The  
272 Division of Florida Condominiums, Timeshares, and Mobile Homes  
273 of the Department of Business and Professional Regulation shall  
274 collect all such payments and remit them to the Firefighter  
275 Assistance Grant Program created under s. 633.135 ~~By December~~  
276 ~~31, 2016, a residential condominium association that is not in~~  
277 ~~compliance with the requirements for a fire sprinkler system and~~  
278 ~~has not voted to forego retrofitting of such a system must~~  
279 ~~initiate an application for a building permit for the required~~  
280 ~~installation with the local government having jurisdiction~~  
281 ~~demonstrating that the association will become compliant by~~  
282 ~~December 31, 2019.~~

283 ~~1. A vote to forego retrofitting may be obtained by limited~~  
284 ~~proxy or by a ballot personally cast at a duly called membership~~  
285 ~~meeting, or by execution of a written consent by the member, and~~  
286 ~~is effective upon recording a certificate attesting to such vote~~  
287 ~~in the public records of the county where the condominium is~~  
288 ~~located. The association shall mail or hand deliver to each unit~~  
289 ~~owner written notice at least 14 days before the membership~~  
290 ~~meeting in which the vote to forego retrofitting of the required~~

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291 ~~fire sprinkler system is to take place. Within 30 days after the~~  
292 ~~association's opt-out vote, notice of the results of the opt-out~~  
293 ~~vote must be mailed or hand delivered to all unit owners.~~  
294 ~~Evidence of compliance with this notice requirement must be made~~  
295 ~~by affidavit executed by the person providing the notice and~~  
296 ~~filed among the official records of the association. After~~  
297 ~~notice is provided to each owner, a copy must be provided by the~~  
298 ~~current owner to a new owner before closing and by a unit owner~~  
299 ~~to a renter before signing a lease.~~

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

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

317 ~~2.4.~~ Notwithstanding s. 553.509, a residential association  
318 may not be obligated to, and may forego the retrofitting of, any  
319 improvements required by s. 553.509(2) upon an affirmative vote

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320 of a majority of the voting interests in the affected  
321 condominium.

322 Section 5. This act shall take effect upon becoming a law.