

By the Committees on Community Affairs; and Banking and Insurance; and Senator Hooper

578-03797-19

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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

578-03797-19

2019908c2

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:

578-03797-19

2019908c2

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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

578-03797-19

2019908c2

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:

578-03797-19

2019908c2

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

578-03797-19

2019908c2

146 alarm permit application with the local enforcement agency if
147 the local enforcement agency requires fire alarm permits for
148 repairs.

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

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

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

578-03797-19

2019908c2

175 have firesafety enforcement responsibilities may jointly employ
176 or contract with a firesafety inspector.

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

181 633.312 Inspection of fire control systems, fire hydrants,
182 and fire protection systems.—

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

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

578-03797-19

2019908c2

204 procedure for each means provided under paragraph (a) by which a
205 local authority having jurisdiction may accept uniform summary
206 inspection reports. Each of the submission procedures must allow
207 a contractor to attach additional documents with the submission
208 of a uniform summary inspection report, including a physical
209 copy of the contractor's detailed inspection report. A
210 submission procedure may not require a contractor to submit
211 information contained within the detailed inspection report
212 unless the information is required to be included in the uniform
213 summary inspection report.

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

227 Section 4. Paragraph (1) of subsection (2) of section
228 718.112, Florida Statutes, is amended to read:

229 718.112 Bylaws.—

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

578-03797-19

2019908c2

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

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

578-03797-19

2019908c2

262 a fire sprinkler system or an engineered life safety system
263 shall:

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

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

268 c. By December 31, 2022, pass final inspection.
269

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

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

578-03797-19

2019908c2

291 ~~owner written notice at least 14 days before the membership~~
292 ~~meeting in which the vote to forego retrofitting of the required~~
293 ~~fire sprinkler system is to take place. Within 30 days after the~~
294 ~~association's opt-out vote, notice of the results of the opt-out~~
295 ~~vote must be mailed or hand delivered to all unit owners.~~
296 ~~Evidence of compliance with this notice requirement must be made~~
297 ~~by affidavit executed by the person providing the notice and~~
298 ~~filed among the official records of the association. After~~
299 ~~notice is provided to each owner, a copy must be provided by the~~
300 ~~current owner to a new owner before closing and by a unit owner~~
301 ~~to a renter before signing a lease.~~

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

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

319 2.4. Notwithstanding s. 553.509, a residential association

578-03797-19

2019908c2

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

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