

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

595-04819-19

2019908c3

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

595-04819-19

2019908c3

30 compliance"; specifying authorized means of compliance  
31 for certain residential condominiums; deleting a  
32 requirement for association bylaws to contain a  
33 certain certificate of compliance provision; deleting  
34 an exemption from a requirement to retrofit certain  
35 condominium property with a fire sprinkler system;  
36 deleting obsolete provisions; extending the date  
37 before which a local authority having jurisdiction may  
38 not require completion of a condominium's retrofitting  
39 with a fire sprinkler system; specifying the date  
40 before which such local authority having jurisdiction  
41 may not require completion of installation of an  
42 engineered life safety system; requiring the State  
43 Fire Marshal, by a certain date, to issue a data call  
44 to all local fire officials to collect data on certain  
45 high-rise condominiums; specifying data that local  
46 fire officials must submit; requiring that all data be  
47 received and compiled into a certain report by a  
48 certain date; requiring that the report be sent to the  
49 Governor and the Legislature by a certain date;  
50 providing an effective date.

51

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

53

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

56 553.792 Building permit application to local government;  
57 fire alarm permit applications.-

58

(1) Within 10 days of an applicant submitting an

595-04819-19

2019908c3

59 application to the local government, the local government shall  
60 advise the applicant what information, if any, is needed to deem  
61 the application properly completed in compliance with the filing  
62 requirements published by the local government. If the local  
63 government does not provide written notice that the applicant  
64 has not submitted the properly completed application, the  
65 application shall be automatically deemed properly completed and  
66 accepted. Within 45 days after receiving a completed  
67 application, a local government must notify an applicant if  
68 additional information is required for the local government to  
69 determine the sufficiency of the application, and shall specify  
70 the additional information that is required. The applicant must  
71 submit the additional information to the local government or  
72 request that the local government act without the additional  
73 information. While the applicant responds to the request for  
74 additional information, the 120-day period described in this  
75 subsection is tolled. Both parties may agree to a reasonable  
76 request for an extension of time, particularly in the event of a  
77 force major or other extraordinary circumstance. The local  
78 government must approve, approve with conditions, or deny the  
79 application within 120 days following receipt of a completed  
80 application.

81 (2) The procedures set forth in subsection (1) apply to the  
82 following building permit applications: accessory structure;  
83 alarm permit; nonresidential buildings less than 25,000 square  
84 feet; electric; irrigation permit; landscaping; mechanical;  
85 plumbing; residential units other than a single family unit;  
86 multifamily residential not exceeding 50 units; roofing; signs;  
87 site-plan approvals and subdivision plats not requiring public

595-04819-19

2019908c3

88 hearings or public notice; and lot grading and site alteration  
 89 associated with the permit application set forth in this  
 90 subsection. The procedures set forth in subsection (1) do not  
 91 apply to permits for any wireless communications facilities or  
 92 when a law, agency rule, or local ordinance specify different  
 93 timeframes for review of local building permit applications.

94 (3) Beginning October 1, 2019, for any project requiring a  
 95 fire alarm permit, a uniform fire alarm permit application must  
 96 be used and submitted to the local enforcement agency along with  
 97 any required drawings, plans, and supporting documentation. The  
 98 uniform fire alarm permit application may be submitted  
 99 electronically or by facsimile and must be signed by the owner,  
 100 contractor, or authorized representative of either such person.  
 101 The uniform fire alarm permit application must contain the  
 102 following information in substantially the following form:

103  
 104 UNIFORM FIRE ALARM PERMIT APPLICATION

105  
 106 Tax Folio No.: ....

107 Application No.: ....

108 Owner or Representative Name: ....

109 Property Address: ....

110 City: .... State: .... Zip: ....

111 Phone: ....

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

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

114 ....

115 Description of Work: .... New Install .... Replacement ....

116 Addition .... Other ....

595-04819-19

2019908c3

117        Construction Type: ....  
118        Proposed Use: ....  
119        Alarm Contractor's Name: ....  
120        Alarm Contractor's Address: ....  
121        City: .... State: .... Zip: ....  
122        Phone: ....  
123        Alarm Contractor's License No: ....  
124

125        Application is hereby made to obtain a permit to do the  
126 work and installation as indicated. I certify that no work or  
127 installation has commenced before the filing of this permit  
128 application. I certify that all of the foregoing information is  
129 true and accurate.  
130

131        ...(Signature of Owner, Contractor, or Agent)...  
132        Printed Name: ....  
133

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

137        (5) For repairs to an existing fire alarm system that was  
138 previously permitted by the local enforcement agency, the  
139 contractor may begin the repair upon filing the uniform fire  
140 alarm permit application with the local enforcement agency if  
141 the local enforcement agency requires fire alarm permits for  
142 repairs.

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

145        633.216 Inspection of buildings and equipment; orders;

595-04819-19

2019908c3

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

159 (1) Each county, municipality, and special district that  
160 has firesafety enforcement responsibilities shall employ or  
161 contract with a firesafety inspector. Except as provided in s.  
162 633.312(2), ~~and (3), and (4)~~, the firesafety inspector must  
163 conduct all firesafety inspections that are required by law. The  
164 governing body of a county, municipality, or special district  
165 that has firesafety enforcement responsibilities may provide a  
166 schedule of fees to pay only the costs of inspections conducted  
167 pursuant to this subsection and related administrative expenses.  
168 Two or more counties, municipalities, or special districts that  
169 have firesafety enforcement responsibilities may jointly employ  
170 or contract with a firesafety inspector.

171 Section 3. Present subsections (4) and (5) of section  
172 633.312, Florida Statutes, are redesignated as subsections (5)  
173 and (6), respectively, and subsection (3) of that section is  
174 amended, to read:

595-04819-19

2019908c3

175 633.312 Inspection of fire control systems, fire hydrants,  
176 and fire protection systems.—

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

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

595-04819-19

2019908c3

204 submission procedure may not require a contractor to submit  
205 information contained within the detailed inspection report  
206 unless the information is required to be included in the uniform  
207 summary inspection report.

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

221 Section 4. Paragraph (1) of subsection (2) of section  
222 718.112, Florida Statutes, is amended to read:

223 718.112 Bylaws.—

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

227 (1) Firesafety.—An association must ensure reasonable  
228 compliance with the Florida Fire Prevention Code. For purposes  
229 of this paragraph, the term "reasonable compliance" means the  
230 ability to select alternative solutions to ensure that the  
231 property meets the level of firesafety required by the Florida  
232 Fire Prevention Code. As to a residential condominium building



595-04819-19

2019908c3

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

251 1. The local authority having jurisdiction may not require  
252 completion of retrofitting with a fire sprinkler system or  
253 completion of installation of an engineered life safety system  
254 before January 1, 2024 2020. ~~By December 31, 2016,~~ a residential  
255 ~~condominium association that is not in compliance with the~~  
256 ~~requirements for a fire sprinkler system and has not voted to~~  
257 ~~forego retrofitting of such a system must initiate an~~  
258 ~~application for a building permit for the required installation~~  
259 ~~with the local government having jurisdiction demonstrating that~~  
260 ~~the association will become compliant by December 31, 2019.~~

261 ~~1. A vote to forego retrofitting may be obtained by limited~~

595-04819-19

2019908c3

262 ~~proxy or by a ballot personally cast at a duly called membership~~  
263 ~~meeting, or by execution of a written consent by the member, and~~  
264 ~~is effective upon recording a certificate attesting to such vote~~  
265 ~~in the public records of the county where the condominium is~~  
266 ~~located. The association shall mail or hand deliver to each unit~~  
267 ~~owner written notice at least 14 days before the membership~~  
268 ~~meeting in which the vote to forego retrofitting of the required~~  
269 ~~fire sprinkler system is to take place. Within 30 days after the~~  
270 ~~association's opt-out vote, notice of the results of the opt-out~~  
271 ~~vote must be mailed or hand delivered to all unit owners.~~  
272 ~~Evidence of compliance with this notice requirement must be made~~  
273 ~~by affidavit executed by the person providing the notice and~~  
274 ~~filed among the official records of the association. After~~  
275 ~~notice is provided to each owner, a copy must be provided by the~~  
276 ~~current owner to a new owner before closing and by a unit owner~~  
277 ~~to a renter before signing a lease.~~

278 ~~2. If there has been a previous vote to forego~~  
279 ~~retrofitting, a vote to require retrofitting may be obtained at~~  
280 ~~a special meeting of the unit owners called by a petition of at~~  
281 ~~least 10 percent of the voting interests. Such a vote may only~~  
282 ~~be called once every 3 years. Notice shall be provided as~~  
283 ~~required for any regularly called meeting of the unit owners,~~  
284 ~~and must state the purpose of the meeting. Electronic~~  
285 ~~transmission may not be used to provide notice of a meeting~~  
286 ~~called in whole or in part for this purpose.~~

287 ~~3. As part of the information collected annually from~~  
288 ~~condominiums, the division shall require condominium~~  
289 ~~associations to report the membership vote and recording of a~~  
290 ~~certificate under this subsection and, if retrofitting has been~~

595-04819-19

2019908c3

291 ~~undertaken, the per unit cost of such work. The division shall~~  
292 ~~annually report to the Division of State Fire Marshal of the~~  
293 ~~Department of Financial Services the number of condominiums that~~  
294 ~~have elected to forego retrofitting.~~

295 2.4. Notwithstanding s. 553.509, a residential association  
296 may not be obligated to, and may forego the retrofitting of, any  
297 improvements required by s. 553.509(2) upon an affirmative vote  
298 of a majority of the voting interests in the affected  
299 condominium.

300 Section 5. By July 1, 2019, the State Fire Marshal shall  
301 issue a data call to all local fire officials to collect data  
302 regarding high-rise condominiums greater than 75 feet in height  
303 which have not retrofitted with a fire sprinkler system or an  
304 engineered life safety system in accordance with ss. 633.208(5)  
305 and 718.112(2)(1), Florida Statutes. Local fire officials shall  
306 submit such data to the State Fire Marshal and shall include,  
307 for each individual building, the address, the number of units,  
308 and the number of stories. By July 1, 2020, all data must be  
309 received and compiled into a report by city and county. By  
310 September 1, 2020, the report must be sent to the Governor, the  
311 President of the Senate, and the Speaker of the House of  
312 Representatives.

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