



532288

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2019	.	
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The Committee on Banking and Insurance (Hooper) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

633.216 Inspection of buildings and equipment; orders;
firesafety inspection training requirements; certification;
disciplinary action.—The State Fire Marshal and her or his
agents or persons authorized to enforce laws and rules of the



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11 State Fire Marshal shall, at any reasonable hour, when the State
12 Fire Marshal has reasonable cause to believe that a violation of
13 this chapter or s. 509.215, or a rule adopted thereunder, or a
14 minimum firesafety code adopted by the State Fire Marshal or a
15 local authority, may exist, inspect any and all buildings and
16 structures which are subject to the requirements of this chapter
17 or s. 509.215 and rules adopted thereunder. The authority to
18 inspect shall extend to all equipment, vehicles, and chemicals
19 which are located on or within the premises of any such building
20 or structure.

21 (1) Each county, municipality, and special district that
22 has firesafety enforcement responsibilities shall employ or
23 contract with a firesafety inspector. Except as provided in s.
24 633.312(2), ~~and~~ (3), and (4), the firesafety inspector must
25 conduct all firesafety inspections that are required by law. The
26 governing body of a county, municipality, or special district
27 that has firesafety enforcement responsibilities may provide a
28 schedule of fees to pay only the costs of inspections conducted
29 pursuant to this subsection and related administrative expenses.
30 Two or more counties, municipalities, or special districts that
31 have firesafety enforcement responsibilities may jointly employ
32 or contract with a firesafety inspector.

33 Section 2. Present subsections (4) and (5) of section
34 633.312, Florida Statutes, are redesignated as subsections (5)
35 and (6), respectively, and subsection (3) of that section is
36 amended, to read:

37 633.312 Inspection of fire control systems, fire hydrants,
38 and fire protection systems.—

39 (3) (a) The inspecting contractor shall provide to the



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40 building owner or hydrant owner and the local authority having
41 jurisdiction a copy of the applicable uniform summary inspection
42 report established under this chapter. The local authority
43 having jurisdiction may accept uniform summary inspection
44 reports by United States mail, by hand delivery, by electronic
45 submission, or through a third-party vendor that collects the
46 reports on behalf of the local authority having jurisdiction.

47 (b) The State Fire Marshal shall adopt rules to implement a
48 uniform summary inspection report and submission procedures to
49 be used by all third-party vendors and local authorities having
50 jurisdiction. For purposes of this section, a uniform summary
51 inspection report must record the address where the fire
52 protection system or hydrant is located, the company and person
53 conducting the inspection and their license number, the date of
54 the inspection, and the fire protection system or hydrant
55 inspection status, including a brief summary of each deficiency,
56 critical deficiency, noncritical deficiency, or impairment
57 found. A contractor's detailed inspection report is not required
58 to follow the uniform summary inspection report format. The
59 State Fire Marshal shall establish by rule a submission
60 procedure for each means provided under paragraph (a) by which a
61 local authority having jurisdiction may accept uniform summary
62 inspection reports. Each of the submission procedures must allow
63 a contractor to attach additional documents with the submission
64 of a uniform summary inspection report, including a physical
65 copy of the contractor's detailed inspection report. A
66 submission procedure may not require a contractor to submit
67 information contained within the detailed inspection report
68 unless the information is required to be included in the uniform



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69 summary inspection report.

70 (4) The maintenance of fire hydrant and fire protection
71 systems as well as corrective actions on deficient systems is
72 the responsibility of the owner of the system or hydrant.
73 Equipment requiring periodic testing or operation to ensure its
74 maintenance shall be tested or operated as specified in the Fire
75 Prevention Code, Life Safety Code, National Fire Protection
76 Association standards, or as directed by the appropriate
77 authority, provided that such appropriate authority may not
78 require a sprinkler system not required by the Fire Prevention
79 Code, Life Safety Code, or National Fire Protection Association
80 standards to be removed regardless of its condition. This
81 section does not prohibit governmental entities from inspecting
82 and enforcing firesafety codes.

83 Section 3. Paragraph (1) of subsection (2) of section
84 718.112, Florida Statutes, is amended to read:

85 718.112 Bylaws.—

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

89 (1) Firesafety.—An association must ensure reasonable
90 compliance with the Florida Fire Prevention Code. For purposes
91 of this paragraph, the term "reasonable compliance" means the
92 ability to select alternative solutions to ensure that the
93 property meets the level of firesafety required by the Florida
94 Fire Prevention Code. As to a residential condominium building
95 that is a high-rise building as defined under the Florida Fire
96 Prevention Code, the association may either retrofit a fire
97 sprinkler system or install an engineered life safety system as



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98 specified in the Florida Fire Prevention Code ~~Certificate of~~
99 ~~compliance.~~ ~~A provision that a certificate of compliance from a~~
100 ~~licensed electrical contractor or electrician may be accepted by~~
101 ~~the association's board as evidence of compliance of the~~
102 ~~condominium units with the applicable fire and life safety code~~
103 ~~must be included. Notwithstanding chapter 633 or of any other~~
104 ~~code, statute, ordinance, administrative rule, or regulation, or~~
105 ~~any interpretation of the foregoing, an association, residential~~
106 ~~condominium, or unit owner is not obligated to retrofit the~~
107 ~~common elements, association property, or units of a residential~~
108 ~~condominium with a fire sprinkler system in a building that has~~
109 ~~been certified for occupancy by the applicable governmental~~
110 ~~entity if the unit owners have voted to forego such retrofitting~~
111 ~~by the affirmative vote of a majority of all voting interests in~~
112 ~~the affected condominium.~~

113 1. The local authority having jurisdiction may not require
114 completion of retrofitting with a fire sprinkler system or
115 completion of installation of an engineered life safety system
116 before January 1, ~~2023~~ 2020. A residential condominium
117 association that is not in compliance with the requirements for
118 a fire sprinkler system or an engineered life safety system
119 shall:

120 a. By July 1, 2020, submit a final fire sprinkler permit
121 application and supporting documents to the authority having
122 jurisdiction;

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

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

125

126 If a residential condominium association fails to timely comply



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127 with the requirements of this subparagraph, the authority having
128 jurisdiction shall assess a penalty against the association in
129 the amount of \$500 per day until it attains compliance. The
130 Division of Florida Condominiums, Timeshares, and Mobile Homes
131 of the Department of Business and Professional Regulation shall
132 collect all such payments and remit them to the Firefighter
133 Assistance Grant Program created under s. 633.135 ~~By December~~
134 ~~31, 2016, a residential condominium association that is not in~~
135 ~~compliance with the requirements for a fire sprinkler system and~~
136 ~~has not voted to forego retrofitting of such a system must~~
137 ~~initiate an application for a building permit for the required~~
138 ~~installation with the local government having jurisdiction~~
139 ~~demonstrating that the association will become compliant by~~
140 ~~December 31, 2019.~~

141 ~~1. A vote to forego retrofitting may be obtained by limited~~
142 ~~proxy or by a ballot personally cast at a duly called membership~~
143 ~~meeting, or by execution of a written consent by the member, and~~
144 ~~is effective upon recording a certificate attesting to such vote~~
145 ~~in the public records of the county where the condominium is~~
146 ~~located. The association shall mail or hand deliver to each unit~~
147 ~~owner written notice at least 14 days before the membership~~
148 ~~meeting in which the vote to forego retrofitting of the required~~
149 ~~fire sprinkler system is to take place. Within 30 days after the~~
150 ~~association's opt-out vote, notice of the results of the opt-out~~
151 ~~vote must be mailed or hand delivered to all unit owners.~~
152 ~~Evidence of compliance with this notice requirement must be made~~
153 ~~by affidavit executed by the person providing the notice and~~
154 ~~filed among the official records of the association. After~~
155 ~~notice is provided to each owner, a copy must be provided by the~~



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156 ~~current owner to a new owner before closing and by a unit owner~~
157 ~~to a renter before signing a lease.~~

158 ~~2. If there has been a previous vote to forego~~
159 ~~retrofitting, a vote to require retrofitting may be obtained at~~
160 ~~a special meeting of the unit owners called by a petition of at~~
161 ~~least 10 percent of the voting interests. Such a vote may only~~
162 ~~be called once every 3 years. Notice shall be provided as~~
163 ~~required for any regularly called meeting of the unit owners,~~
164 ~~and must state the purpose of the meeting. Electronic~~
165 ~~transmission may not be used to provide notice of a meeting~~
166 ~~called in whole or in part for this purpose.~~

167 ~~3. As part of the information collected annually from~~
168 ~~condominiums, the division shall require condominium~~
169 ~~associations to report the membership vote and recording of a~~
170 ~~certificate under this subsection and, if retrofitting has been~~
171 ~~undertaken, the per unit cost of such work. The division shall~~
172 ~~annually report to the Division of State Fire Marshal of the~~
173 ~~Department of Financial Services the number of condominiums that~~
174 ~~have elected to forego retrofitting.~~

175 ~~2.4.~~ Notwithstanding s. 553.509, a residential association
176 may not be obligated to, and may forego the retrofitting of, any
177 improvements required by s. 553.509(2) upon an affirmative vote
178 of a majority of the voting interests in the affected
179 condominium.

180 Section 4. This act shall take effect upon becoming a law.

181
182 ===== T I T L E A M E N D M E N T =====

183 And the title is amended as follows:

184 Delete everything before the enacting clause



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185 and insert:

186 A bill to be entitled
187 An act relating to firesafety systems; amending s.
188 633.216, F.S.; conforming a cross-reference; amending
189 s. 633.312, F.S.; authorizing local authorities having
190 jurisdiction to accept uniform summary inspection
191 reports of certain fire hydrants and fire protection
192 systems by certain means; requiring the State Fire
193 Marshal to adopt rules implementing a uniform summary
194 inspection report and certain submission procedures;
195 providing requirements for such uniform report and
196 procedures; providing that such procedures may not
197 require a contractor to submit certain information;
198 amending s. 718.112, F.S.; requiring that condominium
199 association bylaws provide requirements for the
200 association's reasonable compliance with the Florida
201 Fire Prevention Code; defining the term "reasonable
202 compliance"; providing construction; specifying
203 authorized means of compliance for certain residential
204 condominiums; deleting a requirement for association
205 bylaws to contain a certain certificate of compliance
206 provision; deleting an exemption from a requirement to
207 retrofit certain condominium property with a fire
208 sprinkler system; deleting procedures for such
209 exemption; extending the date before which a local
210 authority having jurisdiction may not require
211 completion of retrofitting with a fire sprinkler
212 system; specifying the date before which a local
213 authority having jurisdiction may not require



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214 completion of installation of an engineered life
215 safety system; requiring a residential condominium
216 association that is not in compliance with certain
217 requirements to perform certain duties by specified
218 dates; providing a penalty; requiring the Division of
219 Florida Condominiums, Timeshares, and Mobile Homes of
220 the Department of Business and Professional Regulation
221 to collect such penalty payments and remit them to the
222 Firefighter Assistance Grant Program within the
223 Division of State Fire Marshal of the Department of
224 Financial Services; deleting an obsolete provision;
225 deleting requirements for condominium associations to
226 report certain information to the Division of Florida
227 Condominiums, Timeshares, and Mobile Homes and for the
228 division to report certain information to the Division
229 of State Fire Marshal; providing an effective date.