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LEGISLATIVE ACTION

Senate

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House

Floor: 1A/AD/3R

04/29/2019 01:37 PM

Senator Brandes moved the following:

1 **Senate Amendment to Amendment (799580) (with title**
2 **amendment)**

3
4 Delete lines 85 - 250
5 and insert:

6 (4) The procedures set forth in this section do not apply
7 to the installation or replacement of a fire alarm system if a
8 plans review is not required by the local enforcement agency.

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



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12 alarm permit application with the local enforcement agency if
13 the local enforcement agency requires fire alarm permits for
14 repairs.

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

17 633.216 Inspection of buildings and equipment; orders;
18 firesafety inspection training requirements; certification;
19 disciplinary action.—The State Fire Marshal and her or his
20 agents or persons authorized to enforce laws and rules of the
21 State Fire Marshal shall, at any reasonable hour, when the State
22 Fire Marshal has reasonable cause to believe that a violation of
23 this chapter or s. 509.215, or a rule adopted thereunder, or a
24 minimum firesafety code adopted by the State Fire Marshal or a
25 local authority, may exist, inspect any and all buildings and
26 structures which are subject to the requirements of this chapter
27 or s. 509.215 and rules adopted thereunder. The authority to
28 inspect shall extend to all equipment, vehicles, and chemicals
29 which are located on or within the premises of any such building
30 or structure.

31 (1) Each county, municipality, and special district that
32 has firesafety enforcement responsibilities shall employ or
33 contract with a firesafety inspector. Except as provided in s.
34 633.312(2), ~~and~~ (3), and (4), the firesafety inspector must
35 conduct all firesafety inspections that are required by law. The
36 governing body of a county, municipality, or special district
37 that has firesafety enforcement responsibilities may provide a
38 schedule of fees to pay only the costs of inspections conducted
39 pursuant to this subsection and related administrative expenses.
40 Two or more counties, municipalities, or special districts that



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41 have firesafety enforcement responsibilities may jointly employ
42 or contract with a firesafety inspector.

43 Section 3. Present subsections (4) and (5) of section
44 633.312, Florida Statutes, are redesignated as subsections (5)
45 and (6), respectively, and subsection (3) of that section is
46 amended, to read:

47 633.312 Inspection of fire control systems, fire hydrants,
48 and fire protection systems.—

49 (3)(a) The inspecting contractor shall provide to the
50 building owner or hydrant owner and the local authority having
51 jurisdiction a copy of the applicable uniform summary inspection
52 report established under this chapter. The local authority
53 having jurisdiction may accept uniform summary inspection
54 reports by United States mail, by hand delivery, by electronic
55 submission, or through a third-party vendor that collects the
56 reports on behalf of the local authority having jurisdiction.

57 (b) The State Fire Marshal shall adopt rules to implement a
58 uniform summary inspection report and submission procedures to
59 be used by all third-party vendors and local authorities having
60 jurisdiction. For purposes of this section, a uniform summary
61 inspection report must record the address where the fire
62 protection system or hydrant is located, the company and person
63 conducting the inspection and their license number, the date of
64 the inspection, and the fire protection system or hydrant
65 inspection status, including a brief summary of each deficiency,
66 critical deficiency, noncritical deficiency, or impairment
67 found. A contractor's detailed inspection report is not required
68 to follow the uniform summary inspection report format. The
69 State Fire Marshal shall establish by rule a submission



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70 procedure for each means provided under paragraph (a) by which a
71 local authority having jurisdiction may accept uniform summary
72 inspection reports. Each of the submission procedures must allow
73 a contractor to attach additional documents with the submission
74 of a uniform summary inspection report, including a physical
75 copy of the contractor's detailed inspection report. A
76 submission procedure may not require a contractor to submit
77 information contained within the detailed inspection report
78 unless the information is required to be included in the uniform
79 summary inspection report.

80 (4) The maintenance of fire hydrant and fire protection
81 systems as well as corrective actions on deficient systems is
82 the responsibility of the owner of the system or hydrant.
83 Equipment requiring periodic testing or operation to ensure its
84 maintenance shall be tested or operated as specified in the Fire
85 Prevention Code, Life Safety Code, National Fire Protection
86 Association standards, or as directed by the appropriate
87 authority, provided that such appropriate authority may not
88 require a sprinkler system not required by the Fire Prevention
89 Code, Life Safety Code, or National Fire Protection Association
90 standards to be removed regardless of its condition. This
91 section does not prohibit governmental entities from inspecting
92 and enforcing firesafety codes.

93 Section 4. Paragraph (1) of subsection (2) of section
94 718.112, Florida Statutes, is amended to read:

95 718.112 Bylaws.—

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



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99 (1) *Certificate of compliance.*—A provision that a
100 certificate of compliance from a licensed electrical contractor
101 or electrician may be accepted by the association's board as
102 evidence of compliance of the condominium units with the
103 applicable fire and life safety code must be included.
104 Notwithstanding chapter 633 or of any other code, statute,
105 ordinance, administrative rule, or regulation, or any
106 interpretation of the foregoing, an association, residential
107 condominium, or unit owner is not obligated to retrofit the
108 common elements, association property, or units of a residential
109 condominium with a fire sprinkler system in a building that has
110 been certified for occupancy by the applicable governmental
111 entity if the unit owners have voted to forego such retrofitting
112 by the affirmative vote of a majority of all voting interests in
113 the affected condominium. The local authority having
114 jurisdiction may not require completion of retrofitting with a
115 fire sprinkler system or completion of installation of an
116 engineered life safety system before January 1, 2024 ~~2020~~. By
117 December 31, 2020 ~~2016~~, a residential condominium association
118 that is not in compliance with the requirements for a fire
119 sprinkler system and that had ~~has~~ not voted to forego
120 retrofitting of such a system by December 31, 2016, must
121 initiate an application for a building permit for the required
122 installation with the local government having jurisdiction
123 demonstrating that the association will become compliant by
124 December 31, 2023 ~~2019~~.

125 1. A vote to forego retrofitting may be obtained by limited
126 proxy or by a ballot personally cast at a duly called membership
127 meeting, or by execution of a written consent by the member, and



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128 is effective upon recording a certificate attesting to such vote
129 in the public records of the county where the condominium is
130 located. The association shall mail or hand deliver to each unit
131 owner written notice at least 14 days before the membership
132 meeting in which the vote to forego retrofitting of the required
133 fire sprinkler system is to take place. Within 30 days after the
134 association's opt-out vote, notice of the results of the opt-out
135 vote must be mailed or hand delivered to all unit owners.
136 Evidence of compliance with this notice requirement must be made
137 by affidavit executed by the person providing the notice and
138 filed among the official records of the association. After
139 notice is provided to each owner, a copy must be provided by the
140 current owner to a new owner before closing and by a unit owner
141 to a renter before signing a lease.

142 2. If there has been a previous vote to forego
143 retrofitting, a vote to require retrofitting may be obtained at
144 a special meeting of the unit owners called by a petition of at
145 least 10 percent of the voting interests. Such a vote may only
146 be called once every 3 years. Notice shall be provided as
147 required for any regularly called meeting of the unit owners,
148 and must state the purpose of the meeting. Electronic
149 transmission may not be used to provide notice of a meeting
150 called in whole or in part for this purpose.

151 3. As part of the information collected annually from
152 condominiums, the division shall require condominium
153 associations to report the membership vote and recording of a
154 certificate under this subsection and, if retrofitting has been
155 undertaken, the per-unit cost of such work. The division shall
156 annually report to the Division of State Fire Marshal of the



157 Department of Financial Services the number of condominiums that
158 have elected to forego retrofitting.

159 4. Notwithstanding s. 553.509, a residential association
160 may not be obligated to, and may forego the retrofitting of, any
161 improvements required by s. 553.509(2) upon an affirmative vote
162 of a majority of the voting interests in the affected
163 condominium.

164 5. This paragraph does not apply to timeshare condominium
165 associations, which shall be governed by s. 721.24.

166
167 ===== T I T L E A M E N D M E N T =====

168 And the title is amended as follows:

169 Delete lines 280 - 311

170 and insert:

171 applications; providing applicability; authorizing
172 contractors, under certain circumstances, to begin
173 fire alarm system repairs upon filing the uniform fire
174 alarm permit application; amending s. 633.216, F.S.;
175 conforming a cross-reference; amending s. 633.312,
176 F.S.; authorizing local authorities having
177 jurisdiction to accept uniform summary inspection
178 reports of certain fire hydrants and fire protection
179 systems by certain means; requiring the State Fire
180 Marshal to adopt rules implementing a uniform summary
181 inspection report and certain submission procedures;
182 providing requirements for such uniform report and
183 procedures; providing that such procedures may not
184 require a contractor to submit certain information;
185 amending s. 718.112, F.S.; extending and specifying



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186 the date before which a local authority having
187 jurisdiction may not require a condominium to complete
188 retrofitting with a fire sprinkler system or complete
189 installation of an engineered life safety system,
190 respectively; requiring certain residential
191 condominium associations that had not voted to forego
192 retrofitting as of a certain date to initiate a
193 certain building permit application by a certain date;
194 providing applicability; requiring the State