



532288

LEGISLATIVE ACTION

Senate

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House

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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.