

High-rise Sprinkler Retrofit Requirement FREQUENTLY ASKED QUESTIONS

Q. Where does the fire sprinkler retrofit requirement for high-rise buildings come from?

A. The high-rise fire sprinkler retrofit requirement was added to the National Fire Protection Association's national model code, adopted in Florida and elsewhere, as a result of tragic high-rise fires including the Las Vegas MGM Grand Hotel fire in 1980 (87 deaths) and the San Juan DuPont Plaza fire in 1986 (97 deaths).

Over the past 15 years, the Florida legislature has extended the retrofit compliance deadline several times to repeatedly give condominium associations additional time to budget for and implement either the sprinkler system retrofit or the opt-out vote by the deadline noted below.

Here are the areas of law that work together to form the requirement:

1. Section 718.112(I), Florida Statutes. This is the operative compliance statute. It includes the retrofit requirement, the opt-out language, and deadlines.

By December 31, 2016, a residential condominium association that is not in compliance with the requirements for a fire sprinkler system and has not voted to forego retrofitting of such a system must initiate an application for a building permit for the required installation with the local government having jurisdiction demonstrating that the association will become compliant by December 31, 2019.

2. Section 633.202, Florida Statutes. This statute section directs the State Fire Marshal to adopt the Florida Fire Prevention Code by rule to protect public health and safety.

3. Rule 69A-3.012 Standards of the National Fire Protection Association and Other Standards Adopted, Florida Administrative Code. This rule implements s.633.202 and adopts the Florida Fire Prevention Code and all other fire and life safety codes.

(1) Except as specifically modified by statute or by the State Fire Marshal's rules, the "Florida Fire Prevention Code, 5th Edition (2014)," which is comprised of the Florida specific edition of NFPA 101, the Life Safety Code (2012 edition) and the Florida specific edition of NFPA 1, the Fire Code (2012 edition), are hereby adopted and incorporated by reference...

4. Florida Fire Prevention Code, 5th Edition. These sections define "the requirements for a fire sprinkler system" and its applicability, and define "high-rise".

NFPA 101 Section 3.3.36.7 High Rise Building. A building where the floor of an occupiable story is greater than 75 ft (23 m) above the lowest level of fire department vehicle access.

NFPA 101 Section 31.3.5.11.1 All high-rise buildings, other than those meeting 31.3.5.11.2 or 31.3.5.11.3, shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with 31.3.5.2. not later than December 31, 2019.

NFPA 101 Section 31.3.5.11.2 An automatic sprinkler system shall not be required where every dwelling unit has exterior exit access in accordance with 7.5.3.

NFPA 101 Section 31.5.11.3 An automatic sprinkler system shall not be required in buildings having an approved, engineered life safety system in accordance with 31.2.5.11.4.

NFPA 101 Section 31.3.5.11.4 Where required by 31.3.5.11.3, an engineered life safety system shall be developed by a registered professional engineer experienced in fire and life safety system design, shall be approved by the authority having jurisdiction, and shall include any or all of the following:

- (1) Partial automatic sprinkler protection*
- (2) Smoke detection systems*
- (3) Smoke control systems*
- (4) Compartmentation*
- (5) Other approved systems*

Q. Why “75 feet”?

A. Fire department ladder trucks generally cannot reach above 75 feet, assuming firefighters have reasonable access to park the truck next to the building.

Q. Do condominium associations with low- and mid-rise buildings (i.e. less than 75 feet in height) need to retrofit or opt out of the requirement by December 31, 2016?

A. Absolutely not. No such requirement exists.

Q. Our condominium already has fire sprinklers in all units and common areas. How does this requirement affect us?

A. The requirement will not affect your building, and no action is required. The requirement is for “retrofit” of non-sprinkled high-rise buildings, not “upgrading” your current and complete system.

Q. Our condominium has already retrofitted fire sprinklers in the common areas. Do we still have to retrofit the living units or opt out?

A. Assuming your highest occupiable story is more than 75 feet above the lowest level of fire department vehicle access, you have a choice. (Remember, if your building is less than 75 feet in height, no action is necessary.) The law includes an exception for a building that has an approved, engineered life safety system (ELSS). Fire sprinklers in common areas are a typical component of a full ELSS evaluation, which includes other fire and life safety factors. The decision to complete the fire sprinkler retrofit or the ELSS, or opt out of retrofitting, is typically based on cost.

Q. If we decide to do an ELSS will the local code official accept our plan?

A. The first step is to find an engineer that has technical expertise in fire protection engineering. Depending on the technical issues outlined in the evaluation, the local code official may ask that a third party engineer review the document.

Q. Which costs more, retrofitting or the ELSS?

A. It depends on the building. The cost to retrofit a building with fire sprinklers depends upon many factors including the condition of the fire pump and the standpipe. According to a 2009 report and survey by the Florida Department of Business & Professional Regulation, actual costs for a complete retrofit including common areas ranged from \$1.05 to \$1.30 per square foot.

In addition, section 627.0654, Florida Statutes, requires insurance companies to give a premium discount to buildings that have a fire sprinkler system installed and maintained according to national standards. Finally, there is the potential liability and human cost involved should you choose not to retrofit, and the building suffers a fire incident.

Q. What are the penalties for failing to opt out of the retrofit requirement?

A. The high-rise retrofit requirement has been the law in Florida since 2000, and if the high-rise condominium association fails to opt out by December 31, 2016, the local fire department will require retrofit by December 31, 2019.

Q. If this requirement does apply to our high-rise condominium, what should we do now?

A. First, contact your fire protection service provider to confirm your building is subject to the requirements, and to discuss the many benefits of retrofitting with fire sprinklers. Second, contact your Fire Official and legal counsel as to your options. It is imperative your condominium association realize and discuss the potential liability of opting out should your building experience a fire incident and, even worse, casualties.

The long-term benefits of retrofitting include lower insurance premiums, higher resale values, and most importantly, peace of mind.

DISCLAIMER: This document is the product of a joint effort by the Florida Fire Sprinkler Association and the American Fire Sprinkler Association – Florida Chapter, with the sole intent of clarifying the complexities of the residential condominium fire sprinkler retrofit law. While both associations are experts in fire sprinkler systems, they are not attorneys and therefore no attempt is made to offer legal advice, nor should anyone rely on the information contained herein as legal advice.