

RESOLUTION NO. 643

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE CENTRAL FLORIDA TOURISM OVERSIGHT DISTRICT ADOPTING THE FLORIDA FIRE PREVENTION CODE AND CREATING REGULATIONS CONCERNING FALSE ALARMS AND ENFORCEMENT MECHANISMS; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the Central Florida Tourism Oversight District (“District”) exists pursuant to its enabling act codified at Chapter 2023-5, Laws of Florida becoming effective on February 27, 2023 (the “Act”); and

WHEREAS, pursuant to the Act, the District must exercise its authority set forth in the Act to adopt, amend, and enforce fire prevention regulations governing the entire District, including within the city limits of any municipality within the District; and

WHEREAS, Section 23 of the Act authorizes the Board of Supervisors to adopt and enforce fire prevention regulations that are at least equivalent to the minimum standards in the Florida Fire Prevention Code, and the regulations and codes adopted herein comply with such requirement; and

WHEREAS, the Board of Supervisors finds this Resolution to be in the best interest of the public health, safety and welfare and is consistent with the Act; and

WHEREAS, the Act provides for regulations and codes of the District enacted pursuant to power and authority of the District are to be adopted by resolution of the Board of Supervisors upon a single reading and public meeting, with at least ten (10) days’ notice of an intent to adopt such resolution being published; and

WHEREAS, notice of intent to adopt this Resolution was published in the Orlando Sentinel on April 29, 2023 and a public hearing on this Resolution was held on May 10, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE CENTRAL FLORIDA TOURISM OVERSIGHT DISTRICT, THAT:

SECTION 1. RECITALS. The foregoing recitals are incorporated herein by reference and made a part hereof.

SECTION 2. FLORIDA FIRE PREVENTION CODE. The District hereby adopts the following codes and regulations:

Florida Fire Prevention Code

- (a) *Florida Fire Prevention Code.* The District does hereby adopt, pursuant to chapter 633, Florida Statutes, section 633.20, Florida Statutes, and chapter 69A-60, Florida Administrative Code, as adopted (and as may be amended from time to time) by the state fire marshal, the Florida Fire Prevention Code as the governing law relative to the regulation and prevention of fire hazards in the District, including within the jurisdictional limits of any municipality within the District. The District fire marshal shall be vested with the authority to establish reasonable policies and procedures regarding the enforcement of the code and shall determine the appropriate permits and approvals that shall be required within incorporated and unincorporated areas of the District. Copies of such codes are on file in the office of the District fire marshal. References to this code shall be called the “Florida Fire Prevention Code.”
- (b) *Enforcement.* The District shall have all enforcement mechanisms afforded under the Florida Fire Prevention Code to enforce these codes and regulations. Without limiting the foregoing, a violation of the Florida Fire Prevention Code shall be considered a Class III violation for a first offense (\$250.00 fine) and a Class IV violation (\$500.00 fine) for a repeat violation or for a violation that the fire chief or fire marshal determines to be a matter of immediate danger to public safety and violators are subject to the imposition of fines accordingly. Each day that a violation exists constitutes a separate violation and a fine for each day a violation exists may be imposed. The District shall have the right to file and prosecute an action at law or in equity in a court of proper jurisdiction to enforce this Section, including without limitation, the collection of civil fines imposed and obtain injunctive relief to prevent violations. In addition to and without limiting the foregoing, if the violation is not corrected within a reasonable time period after the expiration of the corrective period given or upon notice of violation for a repeat violation, the District may:
 - (i) revoke the certificate(s) of occupancy for any structure or building for which a violation exists and order all persons to vacate and not use such structures or building for any human habitation or use, subject to limited personnel for security and fire protection of the structures and buildings and the premises thereof; and
 - (ii) withhold issuance of any new

building permit, inspection approval, or certificate of occupancy being requested by the violating person or business entity concerning any structure or building anywhere in the District until the violation is cured. Nothing in this section limits the District from enforcing this Resolution by any other means.

- (c) *Appeal.* A person or business entity receiving a violation under this Section may contest any violation and fine and/or enforcement penalty imposed for such violation to the District's special magistrate in accordance with the applicable procedures adopted by filing a written notice of appeal and along with a written basis of such appeal with the District fire marshal within fifteen (15) days of receiving a notice of violation. Thereafter, a *de novo* quasi-judicial public hearing on the appeal will be conducted as soon as practicable. The decision of the special magistrate on the appeal will constitute the final decision of the District. The final decision of the District is subject to a timely challenge in the circuit court filed within thirty (30) days of the written rendition of such decision. The District may adopt additional procedures for appeal hearings via separate resolutions or regulations. However, this appeal subsection shall not apply in the event that the District commences court proceedings to enforce the code by seeking to enjoin violations as such court proceedings will afford the violator with due process.

SECTION 3. FALSE ALARMS. The District hereby adopts the following codes and regulations effective on December 1, 2023:

False Alarms

- (a) *Purpose.* The purpose of this section is to encourage fire and medical alarm users and fire and medical alarm businesses (including, but not limited to, sales, installation, and/or monitoring businesses) to maintain the operational reliability and the proper use of alarm systems so as to limit unnecessary fire and emergency medical responses to false alarms and alarms malfunctions. This section governs fire and medical emergency false alarms, provides for inspections, services, and administrative fees; for excessive false alarms, and provides for disconnection or deactivation of malfunctioning alarm systems.
- (b) *Definitions.* As used in this section, the following words and terms shall have the following meanings:

Alarm system shall mean a fire alarm system as defined below.

District shall mean the Central Florida Tourism Oversight District.

Enforcement official shall mean the District Fire Chief or that representative designated by the fire chief to administer this section and control and maintain records involving false alarms.

False alarm response fee shall mean a monetary charge assessed by and payable to the Central Florida Tourism Oversight District, authorized pursuant to this section, to defray the expenses of responding to a false alarm or alarm malfunction.

False fire alarm shall mean the activation of any alarm system signal or message which elicits a notification to and/or response by the fire rescue department when there is no evidence

of a fire, medical emergency or other activity which warrants a call for immediate firefighting or emergency medical assistance. This may include, but is not limited to, an alarm discovered by a police officer, firefighter or any other individual(s) before notification of an alarm from a monitoring company or from a local alarm system that is not monitored.

Fire alarm system shall mean any mechanical, electrical, or radio-controlled device or system which is designed to emit a sound, relay or transmit a signal or message when activated or any such device which emits a sound and transmits a signal or message when activated because of smoke, heat, fire, hazardous chemical detection or emergency medical alarm. Without limiting the generality of the foregoing, alarm system shall be deemed to include audible alarms at the site of the installation of a detection device, proprietary alarms and automatic telephone digital alarm communicator systems. A single-station (residential) smoke detector shall not be deemed to be a fire alarm system under this section.

Fire alarm technician shall mean any person who inspects, installs, repairs or performs maintenance on fire alarm systems, and is licensed by the State of Florida as required by state statute (or works under the license of an alarm contractor).

Fire watch shall mean an enforcement official approved person or persons assigned to the premises for the purpose of protecting the occupants from fire or similar emergencies. A fire watch may involve at least some special action beyond normal staffing, such as assigning an additional security guard(s) to walk the premises, who has been trained in the use of fire extinguishers, in notifying the fire department, in sounding the fire alarm system located on the premises, and in understanding the particular fire safety situation.

Owner shall mean any person or legal entity who owns the premises in which an alarm system is installed or the person or persons who lease, operate, occupy or manage the premises if such person or persons are responsible for the installation or maintenance of such alarm system.

Premises shall mean any building, structure or combination of buildings and structures which serve as dwelling units, single-family or multi-family, or any other area within a building, structure or combination thereof which is used for any purpose wherein an alarm system is installed.

Responder shall mean the owner or designee capable of responding to the premises within sixty (60) minutes, and who are authorized to enter the premises to ascertain the status thereof, including resetting and silencing of all equipment.

Single-station (residential) smoke detector shall mean an assembly incorporating the detector, control equipment and alarm-sounding device in one (1) unit operated from a power supply either in the unit or obtained at the point of installation.

- (c) *Notice.* Any person or company installing any fire alarm system, or providing any inspection, testing or maintenance to any fire alarm system, shall insure that the owner of such system possesses a copy of the ordinance from which this section derives, and a copy of the current National Fire Protection Association (NFPA) Standard 72, Chapter 10, Inspection, Testing, and Maintenance. Said person, without request, shall give a copy of both this regulation and NFPA Standard 72, Chapter 10, Inspection, Testing, and Maintenance to any owner not possessing same.
- (d) *Responsibility for fire alarm activation, owner response, fire alarm malfunction and corrective action, administrative fees.*

- (1) The responsibility for a fire alarm activation shall be that of the owner of the alarm site in which the fire alarm system is installed. A response to an alarm activation shall result when any officer or member of the fire rescue department shall be dispatched to the alarm site where the alarm has been activated or learns, by any means whatsoever, of the activation of the alarm system(s), and responds thereto by traveling to that premises.
- (2) The owner of any alarm system, when requested by the fire rescue department, shall provide a responder to the alarm site in order to reset or disable the alarm system.
- (3) The operator of every place of business which has an alarm site shall provide signage containing current working telephone numbers for at least three (3) persons to be notified in case of emergency. Such signage shall be visible from the exterior of such business and adjacent to the main entrance of such business or a location acceptable to the fire marshal. Emergency contact information may be placed in a fire department key lock box as an alternate to the required signage.

In the event the alarm system is a monitored system, it is the responsibility of the company monitoring the alarm system to notify any listed responder at the request of the fire rescue department.

- (4) All alarm systems having an audible or visual signal at an alarm site shall be equipped to operate for a time period acceptable to the fire marshal and all applicable codes.
- (5) An administrative fee is hereby established to defray the expenses incurred by the District in making a response to a false alarm. Such administrative fee shall be known as a "false alarm response fee" and such fee shall be in the amount of three hundred dollars (\$300.00) per false alarm response to any type of occupancy. The District hereby finds that said sums represent a reasonable approximation of the actual costs incurred by the District in making a response to a false fire alarm. The District Board of Supervisors may change the amount of the false alarm response fees by resolution upon a finding that changed circumstances justify the establishment of a different fee amount.
- (6) a. A false alarm response fee shall be assessed against the owner of the premises of any alarm system for each false fire alarm response made to such premises in excess of three (3) false fire alarm responses made to any one such alarm site within thirty (30) day period. The owner shall be notified of such assessment by mail.
 - b. A response to a false alarm shall not qualify as a false fire alarm for the purpose of assessing or computing a false alarm response fee if such response to a false alarm is caused by an electrical storm, hurricane, tornado or other act of God. If, within thirty (30) days from the occurrence of a false fire alarm response, the owner can demonstrate to the satisfaction of the enforcement official that the alarm system in question has been examined and repaired by a fire alarm technician authorized by the system manufacturer and if such repair malfunction was the cause of the false alarm, then providing the false alarm was not caused by human error, such false alarm shall not be considered a false fire alarm for the purpose of this section and the owner shall receive a reduction or rebate of any false alarm response fees assessed for that particular false alarm to the extent of

the cost incurred for repairs necessitated by such malfunction, provided that such reduction shall not exceed three hundred dollars (\$300.00). No reduction or rebate shall be available should the responder fail to respond when requested by the fire rescue department. Notwithstanding the foregoing, the owner shall be charged an alarm inspection fee of forty dollars (\$40.00).

- c. All false alarm response fees are due and payable within thirty (30) days from date of receipt of the invoice to the owner by the fire department. In the event that false alarm response fees are not paid as required by this section, the fire department may refer the matter to the District General Counsel or to a collection agency authorized by the District.
- (7) Except for protection of premises required by law to support an alarm system, the enforcement official is authorized to order, by written notice to the owner, the disconnection or deactivation of an alarm system for either:
- a. Failure of the owner to meet all requirements or pay any fee provided for in this section within thirty (30) days of the initiation of such requirements or the assessment of such fee; or
 - b. In the case of a false alarm, failure to provide documentation that the alarm system in question actually has been examined by a fire alarm technician authorized by the system manufacturer and that such alarm system was repaired if a malfunction was the cause of such false alarm;

The written notice to disconnect or deactivate shall be mailed certified mail, return receipt requested, to the owner and shall specify the date on which the owner shall be required to disconnect or deactivate the alarm system. The disconnection or deactivation date shall be at least fifteen (15) days following the date of the notice. The owner may appeal the order of the enforcement official to the District's special magistrate.

- (8) The enforcement official or designee may, after the fire department has responded to three (3) alarm malfunctions within a twenty-four-hour period or (5) alarm malfunctions within a forty-eight-hour period, order the immediate disconnection or deactivation of an alarm system. The order to disconnect or deactivate shall be in writing. Each building affected because the signal from the fire alarm system has been disconnected or deactivated shall be required to establish a fire watch until the fire alarm system has been returned to service. Duties of the fire watch may include notifying the fire department and building occupants of an emergency, preventing a fire from occurring, or extinguishing small fires. The owner is responsible for paying all costs associated with establishing a fire watch.
- (9) *Failure to disconnect or unauthorized reconnection of alarm system.*
- a. It shall be a violation of this section for any person to fail to disconnect or deactivate an alarm system which has been ordered disconnected or deactivated pursuant to subsection (8), including those cases in which the special magistrate has affirmed the order to disconnect or deactivate an alarm system. It shall be a violation of this section for any person to reconnect an alarm system which has been disconnected or deactivated pursuant to the order of the enforcement official

unless reconnection of the alarm system is authorized by the enforcement official. Any false alarm received from a premises wherein an alarm system has been ordered disconnected or deactivated shall be deemed to be a malicious false alarm and enforcement official may seek prosecution for such under F.S. § 806.101, False Alarms of Fires.

- b. The fire department shall not be obligated to respond to any notification of alarm or any alarm signal received from any alarm system which the owner has been ordered to disconnect or deactivate.
- (10) *Reconnection of alarm systems.* Any order to disconnect or deactivate an alarm system may be rescinded by the enforcement official upon finding the owner of the premises has taken corrective action to remedy the cause of the false alarms at the premises. The owner shall have the burden of showing what corrective action has been taken and that same is sufficient to support a finding that the cause of the false alarm(s) has been remedied. The enforcement official shall inspect and test the alarm system prior to rescinding the order to disconnect said system and after payment by the owner of an alarm inspection fee of forty dollars (\$40.00). The enforcement official shall not rescind an order to disconnect or deactivate if the owner has failed to pay any fee charged the owner pursuant to this section.
 - (11) *Automatic telephone digital alarm communicator system.*
 - a. It shall be unlawful for any person to install, maintain, operate or use any automatic telephone digital alarm communicator system unless such system is currently listed by the Underwriter's Laboratories, Inc., or other agency approved by the state fire marshal.
 - b. Any person who violates the provisions of this subsection commits a Class III violation (\$250.00 fine) violation and is subject to a fine for each day the violation continues.
 - (12) *Newly installed alarm system.* The provisions of this section shall not apply to any newly installed alarm system until thirty (30) days after the date of the installation of such alarm system.
 - (13) *Alarm system responsibilities of owner.* The District and its officers and employees shall not assume any duty or responsibility for the installation, maintenance, operation, repair or effectiveness of any privately owned alarm system. Such duties or responsibilities belong solely to the owner of the premises. Further, it is the sole responsibility of the owner of the premises to silence any activated alarm and thereafter reset same.
 - (14) The enforcement official shall be vested with authority to establish reasonable policies and procedures regarding the enforcement of this subsection.
 - (15) The owner may appeal the false alarm response fee assessed by District, for a false alarm or alarm malfunction to the District's special magistrate.

SECTION 4. REFERENCES. The provisions of Sections 2 and Section 3 of this Resolution replace the EPCOT Fire Prevention Code (including Section 101 Administration and its subsections), and will stand independent from the EPCOT Building Code. References to EPCOT Fire Prevention Code in the codes and regulations of the District will be amended and changed to the “Florida Fire Prevention Code” and such reference shall mean those codes and regulations as adopted by this Resolution, as may be amended from time to time.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase, word or provision of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Resolution.

SECTION 6. CONFLICTS. Section 2, Section 3 and Section 4 of this Resolution shall constitute regulations of the Central Florida Tourism Oversight District with the full weight, authority and force of law. In the event of a conflict or conflicts between this Resolution and any other resolution, ordinance/resolution or provision of law, this Resolution controls to the extent of the conflict, as allowable under the law. This Resolution shall apply to and be enforced throughout the unincorporated and incorporated areas of the Central Florida Tourism Oversight District, including within the jurisdictional boundaries of the City of Lake Buena Vista and City of Bay Lake.

SECTION 7. EFFECTIVE DATE. This Resolution will take effect immediately upon its adoption.

ADOPTED at a regular meeting of the Board of Supervisors of the Central Florida
Tourism Oversight District, held on this 10th day of May, 2023.

**CENTRAL FLORIDA TOURISM
OVERSIGHT DISTRICT**

[SEAL]

By: _____
Martin Garcia, Chair of the Board of Supervisors

ATTEST:

Tina Graham, District Clerk