



Smoke Detectors – The New Law

by Harry Heist, Attorney at Law

After a number of years of unsuccessful bills introduced in the Florida Legislature, finally a bill addressing smoke detector/alarms has passed into law. Florida Statute Section 553.883 governs what property managers or owners must do under certain situations with regards to smoke detector/alarms. The law is simple, it is not burdensome, and the sooner property managers begin to comply, even if not necessarily right away, the safer the residents will be, and the less liability exposure that will be placed on property managers and owners. The law applies to battery powered smoke detector/alarms. It does not apply to fire/smoke alarms that are electronically connected, hardwired or part of a centrally monitored alarm system, so this will not have much impact on the multi-family manager.

Prior Law

Prior to the law change, the property manager simply had to use an off the shelf smoke detector/alarm with a removable 9-volt battery. However, problems occurred when residents tampered with the alarm or failed to notify the property manager that the battery was dead. Residents would remove the battery if the low battery signal was going off, and statistics have shown that the majority of injuries and deaths caused by smoke and fire was due to the fact that there either was no smoke detector/alarm, or that it was simply not operational. Property managers would replace the smoke detector/alarms with the cheapest possible models available, deaths and injuries occurred, and lawsuits against property management companies were common.

The New Law

The new law is quite simple. Any time a battery powered smoke detector/alarm is replaced, if it is defective, or has exceeded the 10 year lifespan, (dates are usually on the back) the replacement must be with the type that has the 10-year, non-removable, non-replaceable battery. Presumably these batteries will last 10 years and cannot be easily tampered with by the resident once they are activated. They are a bit more expensive than the older type, but a few dollars is all it takes. Buying in bulk as well will save even more money.

Best Practices

The law does not require that the property manager replace a working smoke detector/alarm that is less than 10 years old with the new type. The property manager can simply replace the battery with a fresh battery, test it, and be in compliance with the law. Why take such a shortcut? Do the right thing. Replace all your battery powered smoke detector/alarms with the new 10-year smoke detector/alarms. It is simply the right thing to do. We recommend you do not wait a moment longer. Buy them in bulk and replace them all. Below is the text of the law. The law is not 100% clear and does not answer all the questions we may have now, but one thing is clear: you can and should replace all your battery powered smoke detectors/alarms now and sleep easy.

The New Law Text

Florida Statutes Section 553.883 Smoke alarms in one-family and two-family dwellings and townhomes.—One-family and two-family dwellings and townhomes undergoing a repair, or a level 1 alteration as defined in the Florida Building Code, may use smoke alarms powered by 10-year nonremovable, nonreplaceable batteries in lieu of retrofitting such dwelling with smoke alarms powered by the dwelling's electrical system. Effective January 1, 2015, a battery-powered smoke alarm that is newly installed or replaces an existing battery-powered smoke alarm must be powered by a nonremovable, nonreplaceable battery that powers the alarm for at least 10 years. The battery requirements of this section do not apply to a fire alarm, smoke detector, smoke alarm, or ancillary component that is electronically connected as a part of a centrally monitored or supervised alarm system.