

STORAGE NAME: h0993s1z.brc  
DATE: June 29, 2000

**\*\*FAILED TO PASS THE LEGISLATURE\*\***

**HOUSE OF REPRESENTATIVES  
AS FURTHER REVISED BY THE COMMITTEE ON  
BUSINESS REGULATION & CONSUMER AFFAIRS  
FINAL ANALYSIS**

**BILL #:** CS/HB 993

**RELATING TO:** Fire Protection Systems

**SPONSOR(S):** Committee on Business Regulation & Consumer Affairs, Representative Brown and others

**TIED BILL(S):**

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

(1)	BUSINESS REGULATION & CONSUMER AFFAIRS	YEAS 8	NAYS 0
(2)	INSURANCE	YEAS 14	NAYS 0
(3)	GOVERNMENTAL RULES & REGULATIONS	YEAS 8	NAYS 0
(4)	COMMUNITY AFFAIRS	W/D	
(5)	GENERAL GOVERNMENT APPROPRIATIONS	W/D	

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I. SUMMARY:

**CS/HB 993 died on the House calendar. Provisions identical to the committee substitute passed as sections 32 and 44 of CS/SB 220 (Ch. 00-372, Laws of Florida). The provisions which passed as section 32 of CS/SB 220 also passed as section 40 of CS/SB 1016 (Ch. 00-356, Laws of Florida). The amendment to CS/HB 993 that was adopted by the Committee on Insurance (but never engrossed into the bill) was not included in either CS/SB 220 or CS/SB 1016.**

Under current law, licensed engineers are required to sign, date, and seal all final drawings, specifications, plans, reports, or documents that they have prepared and filed for public record. However, engineers are not required to seal final bid documents.

CS/HB 993 requires engineers to sign, date, and seal final bid documents for a construction or alteration project provided to an owner or owner's representative (e.g., general contractor). By sealing final bid documents, engineers would be authenticating the documents and attesting to the use of standard and acceptable engineering practices in their design.

Under current law, fire sprinkler systems with 50 or more sprinkler heads must be designed by engineers. Fire protection contractors may not perform acts constituting the practice of engineering for systems of this size; however, fire protection contractors may "layout" the system in accordance with the engineer's design. This bill defines the term "layout" in an attempt to distinguish it from acts constituting the practice of engineering.

The bill does not have a fiscal impact upon state or local government, and becomes effective upon becoming a law.

The bill is traveling with one amendment.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |                             |   |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Engineers are licensed and regulated by the Board of Professional Engineers, Department of Business and Professional Regulation, pursuant to ch. 471, F.S., which provides for testing, licensure, and discipline of engineers.

Licensed engineers are required by s. 471.025, F.S., to sign, date, and seal all final drawings, specifications, plans, reports, or documents that they have prepared and filed for public record. By sealing a document, an engineer is authenticating the documents and attesting to the use of standard and acceptable engineering practices in their design. Engineers found in violation of this section may be subject to certain penalties, such as denial, revocation, or suspension of their license; reprimand; or administrative fines.

Engineers are required to file certain sealed design documents with the local permitting agency in order to receive a building permit for a construction or alteration project,<sup>1</sup> including those for the design of a fire sprinkler system for any new building or addition that includes 50 or more sprinkler heads.

Engineers are not required to seal final bid documents. Final bid documents are used by an owner or owner's representative (e.g., general contractor) to find contractors to complete the work. These documents are designed to the degree of completion desired by the owner or owner's representative. Minimum requirements common to all fire protection engineering documents promulgated by the Board of Professional Engineers are set forth in Rule 16G15-32.003, F.A.C. Some of the elements required to be included in fire protection engineering documents are the nature and scope of the work, the definition of the fire protection system components and equipment, and the structure of the fire protection system.

Fire protection contractors are licensed and regulated by the Division of the State Fire Marshal within the Department of Insurance. Chapter 633, F.S., provides for testing, licensure, and discipline of fire protection contractors.

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<sup>1</sup>Section 553.79(6), F.S.

Fire protection contractors may design fire protection systems if there are 49 or fewer sprinkler heads. Engineers must design the fire sprinkler system if it includes 50 or more sprinkler heads. Fire protection contractors may “layout” fire protection systems of any size. This may include the placement of risers, branch lines and sprinkler heads; and the location of hangers. “Layout” is not defined in Chapter 633, F.S.

**C. EFFECT OF PROPOSED CHANGES:**

CS/HB 993 requires engineers to sign, date, and seal final bid documents for a construction or alteration project provided to an owner or owner’s representative (e.g., general contractor). By sealing final bid documents, engineers would be authenticating the documents and attesting to the use of standard and acceptable engineering practices in their design.

Fire protection contractors may not perform acts constituting the practice of engineering for fire sprinkler systems with 50 or more sprinkler heads; however, fire protection contractors may “layout” the system in accordance with the engineer’s design. This bill defines the term “layout” in an attempt to distinguish it from acts constituting the practice of engineering. “Layout” would include placing risers, branch lines, and sprinkler heads; locating hangers; and making certain hydraulic calculations in accordance with an engineer’s design.

**D. SECTION-BY-SECTION ANALYSIS:**

N/A

**III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require local governments to expend funds or to take any action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the state tax shared with counties and municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

Comments by the Committee on Insurance

The bill defines "layout" using the term "layout" within the definition. This makes it more difficult to determine the meaning of the term.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 21, 2000, the Committee on Business Regulation & Consumer Affairs adopted a "remove everything" amendment and voted to report the bill as a committee substitute. The bill, as modified, clarifies the activities that fire protection contractors may perform when generating their "layout."

The original bill, rather than addressing what contractors can do, would have instead addressed what engineers should do, enumerating with specificity the criteria that an engineer must follow in the development of fire sprinkler design criteria. The original bill also increased the threshold for engineer involvement in sprinkler system design from systems with 50 sprinkler heads to systems with 100 heads; the committee substitute restores current language, which is 50 sprinkler heads.

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On April 10, 2000, the Committee on Insurance adopted one amendment to CS/HB 993. The amendment, which is traveling with the bill, would prohibit engineers from sealing final bid documents that depict work which they are not licensed to perform or is beyond their specialty.

VII. SIGNATURES:

**COMMITTEE ON BUSINESS REGULATION AND CONSUMER AFFAIRS:**

Prepared by:

Staff Director:

Gip Arthur

Rebecca R. Everhart

**AS REVISED BY THE COMMITTEE ON INSURANCE:**

Prepared by:

Staff Director:

Meredith Woodrum Snowden

Stephen Hogge

**AS FURTHER REVISED BY THE COMMITTEE ON GOVERNMENTAL RULES & REGULATIONS:**

Prepared by:

Staff Director:

Shari Z. Whittier

David M. Greenbaum

**FINAL ANALYSIS PREPARED BY THE COMMITTEE ON BUSINESS REGULATION & CONSUMER AFFAIRS:**

Prepared by:

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