STORAGE NAME: h0993s1.in
DATE: April 6, 2000

HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
INSURANCE
ANALYSIS

BILL #: CS/HB 993

RELATING TO: Fire Protection Systems

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

TIED BILL(S):

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

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

I. SUMMARY:

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 would require 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 would define the term "layout" in an attempt to distinguish it from acts constituting the practice of engineering.

The bill would not have a fiscal impact upon state or local government.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

1.	Less Government	Yes []	No []	N/A [X]
2.	Lower Taxes	Yes []	No []	N/A [X]
3.	Individual Freedom	Yes []	No []	N/A [X]
4.	Personal Responsibility	Yes []	No []	N/A [X]
5.	Family Empowerment	Yes []	No []	N/A [X]

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

B. PRESENT SITUATION:

Engineers are licensed and regulated by the Board of Professional Engineers, under the 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.[1] Among these design documents are 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. However, minimum requirements common to all fire protection engineering documents promulgated by the Board of Professional Engineers are set forth by the in Rule 16G15-32.003, F.A.C. Some of the elements required to be included in fire protection engineering documents include: 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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[1]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 can include the placement of risers, branch lines and sprinkler heads; and the location of hangers. "Layout" is not defined in Chapter 633.

C. EFFECT OF PROPOSED CHANGES:

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 would require 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 would define 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:

The bill would define “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:

The Committee on Business Regulation and 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.

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 does not increase the threshold regarding the number of sprinkler heads.

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