

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL: SB 286

INTRODUCER: Senator Perry

SUBJECT: Fire Sprinklers

DATE: February 26, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kraemer</u>	<u>Imhof</u>	<u>RI</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>BI</u>	_____
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 286, relating to fire sprinklers, revises the scope of fire protection system work for persons certified as a contractors by the Division of State Fire Marshal (division) within the Department of Financial Services.

Under the bill, a Contractor I or a Contractor II as defined in ch. 633, F.S., relating to Fire Prevention and Control, is authorized to design the alteration of an existing system regardless of the size of the system, if the alteration relocates or deletes 249 or fewer sprinklers. Further, occupancy and water demand, as defined in applicable codes, must be unchanged, and the occupancy hazard classification must be reduced or unchanged.

The bill eliminates the authorization for a Contractor IV to design fire protection systems of not more than 49 sprinklers, and to design the alteration of an existing fire sprinkler system when the alteration relocates, adds, or deletes not more than 49 sprinklers. The bill allows a Contractor I, II, or IV to alter a fire protection system.

The bill limits the work authorized to be undertaken by a person certified as a Contractor V to the fabrication and installation of underground piping for a water-based fire protection system, under limited circumstances. Under the bill, a Contractor V may only inspect, alter, repair, and service underground piping for a water-based fire protection system only under the direction of a Contractor I or Contractor II.

The bill clarifies that fire protection systems include tanks providing water supply or pump fuel piping.

The bill has no impact on state or local government.

The bill is effective July 1, 2021.

II. Present Situation:

Florida Fire Prevention Code

The State Fire Marshal, by rule, adopts the Florida Fire Prevention Code (FFPC), which contains all fire safety laws and rules that pertain to the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities, and the enforcement of such fire safety laws and rules.¹ The State Fire Marshal adopts a new edition of the FFPC every three years.² When adopting a new edition of the FFPC, the State Fire Marshal must adopt the most recent version of the National Fire Protection Association (NFPA) Standard 1, Fire Prevention Code, and the NFPA 101 Life Safety Code.³ The 7th edition of the FFPC took effect on December 31, 2020.⁴

Current law requires local governments to enforce the FFPC and the Florida Building Code including permitting, inspecting, and approving the installation of a fire protection system.⁵ Owners of fire protection systems are responsible for the maintenance of their fire protection systems, and must contract with a certified fire protection system contractor to regularly inspect such systems.⁶

Fire Sprinkler Systems

A licensed fire protection engineer or architect, with fire protection design experience, may design any type of fire protection system.⁷ A fire protection system is “a system individually designed to protect the interior or exterior of a specific building or buildings, structure, or other special hazard from fire.”⁸

The State Fire Marshal is also responsible for licensing and regulating fire system protection contractors in the state.⁹ A “fire protection system” is a system designed to protect buildings, structures, and special hazards from fires. In order to engage in the business of laying out, fabricating, installing, inspecting, altering, repairing, or servicing a fire protection system in Florida, a person must be certified as a fire protection system contractor.

Fire protection systems are designed by licensed engineers and architects. Such systems include, but are not limited to:

¹ See Fla. Admin. Code Ch. 69A-60 (2021).

² Section 633.202, F.S. The State Fire Marshal maintains a list of local amendments to the FFPC, available at <https://www.myfloridacfo.com/Division/SFM/bfp/LocalAmendments.htm> (last visited Feb. 23, 2021).

³ *Id.* The NFPA shares information through more than 300 consensus codes and standards, research, training, education, outreach and advocacy, and by partnering with others. See the NFPA website, available at [NFPA](https://www.nfpa.org) (last visited Feb. 23, 2021).

⁴ See Florida Fire Prevention Code, available at [Florida Fire Prevention Code Page \(myfloridacfo.com\)](https://www.myfloridacfo.com/Florida-Fire-Prevention-Code) (last visited Feb. 23, 2021).

⁵ See generally the Florida Building Code, part IV of ch. 553, F.S., and ch. 633, F.S., relating to Fire Prevention and Control; 10.1.2 and 10.1.3 of the 7th edition of the Florida Fire Prevention Code (NFPA Standard 1).

⁶ See s. 633.312, F.S.; 10.2.7 of the 7th edition of the Florida Fire Prevention Code (NFPA Standard 1).

⁷ Section 633.102(3), F.S. A licensed fire protection engineer or architect with fire protection design experience may design any type of fire protection system. *Id.* The title “fire protection engineer” may be used only by persons holding an active license as an engineer in Florida, unless exempt from licensing. See s. 471.031, F.S.

⁸ Section 633.102(11), F.S.

⁹ See [Regulatory Licensing \(myfloridacfo.com\)](https://www.myfloridacfo.com/Regulatory-Licensing) (last visited Feb. 23, 2021).

- Water sprinkler and spray systems;
- Foam-water sprinkler and spray systems;
- Carbon dioxide, foam extinguishing, and dry chemical systems;
- Halon and other chemical systems used for fire protection;
- Overhead and underground fire mains;
- Fire hydrants and hydrant mains;
- Standpipes and hoses connected to sprinkler systems;
- Sprinkler tank heaters, air lines, and thermal systems; and
- Tanks and pumps connected to fire sprinkler systems.¹⁰

Fire Protection System Contractors

Fire protection system contractors may be certified under ch. 633, F.S., in five categories with distinct areas of authorized work that may be undertaken by contractors certified in a particular category. In order to sit for the examination for certification as a contractor, a person must be 18 years of age, be of good moral character, and have the following experience.

- A Contractor I must have four years of proven experience while employed by a Contractor I, or a combination of equivalent education and experience in both water-based and chemical fire suppression systems.
- A Contractor II must have four years of verifiable employment experience with a fire protection system as a Contractor I or Contractor II, or a combination of equivalent education and experience in water-based fire suppression systems.
- A Contractor III must have four years of verifiable employment experience with a fire protection system as a Contractor I or Contractor II, or a combination of equivalent education and experience in chemical fire suppression systems.
- A Contractor IV must be licensed as a certified plumbing contractor under ch. 489, F.S., and successfully complete a training program acceptable to the State Fire Marshal of not less than 40 contact hours regarding the applicable installation standard used by the Contractor IV as described in NFPA 13D.
- A Contractor V must have been licensed as a certified underground utility and excavation contractor or certified plumbing contractor pursuant to ch. 489, F.S., have verification by a certified utility contractor or certified plumbing contractor pursuant to ch. 489, F.S., that the applicant has four years' proven experience while employed by a certified underground utility and excavation contractor or certified plumbing contractor, or have a combination of education and experience equivalent to four years' proven experience while employed by a certified underground utility and excavation contractor or certified plumbing contractor.¹¹

The design of fire protection systems of 49 or fewer sprinklers, and the alteration of an existing fire sprinkler system, provided no more than 49 sprinklers are relocated, added, or deleted,¹² may be undertaken by persons certified as a:

- Contractor I (ability to lay out, fabricate, install, inspect, alter, repair, and service all types of fire protection systems, excluding preengineered systems);¹³

¹⁰ See s. 633.102(11), F.S.

¹¹ Section 633.318(3), F.S. See also Fla. Admin. Code R. 69A-46.010 (2021).

¹² Section 633.102(3), F.S.

¹³ Section 633.102(3)(a), F.S.

- Contractor II (ability to lay out, fabricate, install, inspect, alter, repair, and service water sprinkler and spray systems, foam-water sprinkler and spray systems, standpipes, and sprinkler risers, all piping integral to the system, sprinkler tank heaters, air lines, thermal systems used in connection with sprinklers, and connected tanks and pumps, excluding preengineered systems);¹⁴ or
- Contractor IV (ability to lay out, fabricate, install, inspect, alter, repair, and service automatic fire sprinkler systems for detached one-family dwellings, detached two-family dwellings, and mobile homes, excluding preengineered systems, and excluding single-family homes in cluster units, such as apartments, condominiums, and assisted living facilities or any building that is connected to other dwellings).¹⁵

Under current law, a person certified as a Contractor V is a contractor whose business is limited to the ability to fabricate, install, inspect, alter, repair, and service the underground piping for a water-based fire protection system.

One category of fire protection system contractors, Contractor III, does not engage in work involving fire sprinklers; that category addresses work on carbon dioxide systems, foam extinguishing systems, dry chemical systems, and Halon and other chemical systems, excluding preengineered systems.¹⁶

III. Effect of Proposed Changes:

The bill revises the scope of fire protection system work for persons certified as a contractor by the division.

The bill limits the work authorized to be undertaken by a person certified as a Contractor V to the fabrication and installation of underground piping for a water-based fire protection system, under limited circumstances. Under the bill, a Contractor V may only inspect, alter, repair, and service underground piping for a water-based fire protection system under the direction of a Contractor I or Contractor II.

The bill authorizes a Contractor I or a Contractor II to design the alteration of an existing system, if the alteration:

- Entails the relocation or deletion of 249 or fewer sprinklers;
- Requires no change in occupancy as defined in the Florida Building Code,¹⁷ and no change in water demand as defined in National Fire Protection Association Publication (NFPA) No. 13¹⁸; and
- The occupancy hazard classification, as defined in NFPA No. 13,¹⁹ is reduced or remains the same after the alteration.

¹⁴ Section 633.102(3)(b), F.S.

¹⁵ Section 633.102(3)(d), F.S.

¹⁶ See s. 633.102(3)(c), F.S.

¹⁷ See ch. 3, Use and Occupancy Classification, Florida Building Code, available at [2020 Florida 3Code, Building, 7th Edition - CHAPTER 3 \(iccsafe.org\)](https://www.fbc.com/florida-building-code/2020-florida-3code-building-7th-edition-chapter-3-iccsafe.org) (last visited Feb. 23, 2021).

¹⁸ NFPA 13 is titled “Standard for the Installation of Sprinkler Systems.”

¹⁹ See NFPA, *Step 1 How Much Water is Needed?*, available at https://www.nfpa.org/assets/gallery/firewise/operationWater/step1_3.htm (last visited Feb. 23, 2021), indicating an

The bill eliminates the authorization in current law for a Contractor IV to design fire protection systems of not more than 49 sprinklers, and to design the alteration of an existing fire sprinkler system when the alteration relocates, adds, or deletes not more than 49 sprinklers.

The bill amends the definition of “fire protection system” to include tanks “providing water supply or pump fuel piping.” This would allow fire sprinkler contractors to install fuel supply pumping for fire pumps.

The bill is effective July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill authorizes persons certified as a Contractor I or Contractor II to design the alteration of an existing system regardless of the size of the system, if the alteration relocates or delete 249 or fewer sprinklers. The authorization to do this type of work is expanded for persons certified as a Contractor I or Contractor II, which may impact others who have previously undertaken such design work, such as engineers and architects.

occupancy hazard classification is calculated as part of determining the minimum water needed to fight a structural fire. No hazard classification is assigned when a building has a properly installed automatic sprinkler system. *Id.*

Under the bill, persons certified as a Contractor V may contract for work involving the inspection, alteration, repair, and servicing of underground piping for a fire protection system only if they are under the direction of persons certified as a Contractor I or Contractor II. The requirement imposed by the bill may result in decreased opportunities for work for a Contractor V.

C. Government Sector Impact:

According to the Department of Financial Services, there is no impact to state or local government.²⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

With respect to authorizing certain alterations of an existing fire sprinkler system if there is no change in occupancy, as defined in the Florida Building Code, the sponsor may wish to consider an amendment to add a similar prohibition related to no change in occupancy, as defined in the Florida Fire Prevention Code.²¹ See Line 75 of the bill.

VIII. Statutes Affected:

This bill substantially amends s. 633.102 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²⁰ See 2021 Agency Legislative Bill Analysis (Department of Financial Services) for SB 286, Feb. 8, 2021 (on file with Senate Committee on Regulated Industries) at page 2.

²¹ See Florida Fire Prevention Code, ch. 20, Occupancy Fire Safety, available at [Florida Fire Prevention Code Page \(myfloridacfo.com\)](https://myfloridacfo.com) (last visited Feb. 23, 2021).