

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 327 Fire Sprinkler System Projects

**SPONSOR(S):** Commerce Committee, Regulatory Reform & Economic Development Subcommittee, Bell

**TIED BILLS:** IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Regulatory Reform & Economic Development Subcommittee	11 Y, 0 N, As CS	Thompson	Anstead
2) Commerce Committee	20 Y, 0 N, As CS	Thompson	Hamon

### SUMMARY ANALYSIS

Florida's fire prevention and control law, ch. 633, F.S., requires the State Fire Marshal to adopt the Florida Fire Prevention Code (Fire Code). The Fire Code sets forth fire safety standards (including certain national codes) for buildings and structures. The State Fire Marshall adopts a new edition of the Fire Code every three years. All municipalities, counties, and special districts with fire safety responsibilities must enforce the Fire Code to operate uniformly among local governments and in conjunction with the Florida Building Code.

The State Fire Marshal licenses and regulates fire protection system contractors in the state. Currently, a Contractor I or II may design:

- New fire protection systems of 49 or fewer sprinklers;
- An alteration of existing fire sprinkler systems regardless of size if the alteration consists of the relocation, addition, or deletion of no more than 49 sprinklers; or
- An alteration of an existing fire sprinkler system if the alteration consists of the relocation or deletion of 249 or fewer sprinklers.

The bill provides that a Contractor I or II may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation or deletion of 249 or fewer sprinklers, and the addition of 49 sprinklers, as long as the cumulative total number of fire sprinklers being added, relocated, or deleted does not exceed 249.

Local building code enforcement agencies are responsible for permitting fire alarm system projects. An electrical or alarm system contractor cannot install or replace a fire alarm until they obtain a Uniform Fire Alarm Permit. Current law authorizes an expedited permitting process for certain fire alarm system projects that alter a total of 20 or fewer initiating devices. However, the expedited permitting process does not include projects that involve changes to fire sprinkler systems.

The bill creates an expedited permitting process for certain "fire sprinkler system projects," similar to the current process for fire alarm system projects, and prohibits local enforcement agencies from requiring a fire protection system contractor to submit plans to obtain a building permit for a fire sprinkler system project, as defined in the bill.

This expedited process would allow a fire protection system contractor to start work on such fire system projects without first obtaining a standard permit, and instead obtain an expedited permit electronically.

The bill also requires such contractors to maintain a copy of plans and specifications at the worksite, similar to the requirements for alarm system projects.

The bill does not appear to have a fiscal impact on state or local government.

The bill provides for an effective date of July 1, 2023.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Current Situation

##### **State Fire Marshal**

Florida's fire prevention and control law, ch. 633, F.S., designates the state's Chief Financial Officer as the State Fire Marshal. The State Fire Marshal, through the Division of State Fire Marshal (Division) located within the Department of Financial Services (DFS), is charged with enforcing the provisions of ch. 633, F.S., and all other applicable laws relating to fire safety. DFS has the responsibility to minimize the loss of life and property in this state due to fire.<sup>1</sup> Pursuant to this authority, the State Fire Marshal regulates, trains, and certifies fire service personnel and fire safety inspectors; investigates the causes of fires; enforces arson laws; regulates the installation of fire equipment; conducts fire safety inspections of state property; and operates the Florida State Fire College.

The State Fire Marshal also adopts by rule the Florida Fire Prevention Code (Fire Prevention Code), 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.<sup>2</sup>

The State Fire Marshall adopts a new edition of the Fire Prevention Code every three years. When adopting a new edition of the Fire Prevention Code, 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.<sup>3</sup>

State law requires all municipalities, counties, and special districts with fire safety responsibilities to enforce the Fire Prevention Code as the minimum fire prevention code to operate uniformly among local governments and in conjunction with the Florida Building Code.<sup>4</sup> Each county, municipality, and special district with fire safety enforcement responsibilities must employ or contract with a fire safety inspector (certified by the State Fire Marshal) to conduct all fire safety inspections required by law.

##### **Florida Building Code**

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.<sup>5</sup>

In 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. In 1998, the Legislature adopted the study commission's recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. In 2000, the Legislature authorized implementation of the Florida Building

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<sup>1</sup> S. 633.104, F.S.

<sup>2</sup> S. 633.202(1) and (2), F.S.

<sup>3</sup> *Id.* The NFPA is the National Fire Protection Association. Founded in 1896, the NFPA delivers information and knowledge through no more than 300 consensus codes and standards, research, training, education, outreach and advocacy. NFPA, *About NFPA*, <https://www.nfpa.org/about-nfpa> (last visited Feb. 13, 2023).

<sup>4</sup> The Florida Building Code is the statewide building code for all construction in the state. Every local government must enforce the Florida Building Code and issue building permits. *See generally* ch. 553, F.S.

<sup>5</sup> The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs*, p. 4, [http://www.floridabuilding.org/fbc/publications/2006\\_Legislature\\_Rpt\\_rev2.pdf](http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf) (last visited Feb. 13, 2023).

Code (Building Code), and that first edition replaced all local codes on March 1, 2002.<sup>6</sup> The current edition of the Building Code is the seventh edition, which is referred to as the 2020 Florida Building Code.<sup>7</sup>

Chapter 553, part IV, F.S., is known as the “Florida Building Codes Act” (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.<sup>8</sup>

The Florida Building Commission (Commission) was statutorily created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code. The Commission reviews several International Codes published by the International Code Council,<sup>9</sup> the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.<sup>10</sup>

### Enforcement of the Florida Building Code

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public’s health, safety, and welfare.<sup>11</sup> Every local government must enforce the Building Code and issue building permits.<sup>12</sup>

It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a building permit from the local government or from such persons as may, by resolution or regulation, be directed to issue such permit, upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.<sup>13</sup>

To obtain a building permit an applicant must complete an application for the proposed work on the form furnished by the government entity.<sup>14</sup> A local government that issues building permits must post each type of building permit application on its website.<sup>15</sup>

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity.<sup>16</sup> A building official is a local government employee or a person contracted by a government entity who supervises building code activities, including plans review, enforcement, and inspection.<sup>17</sup>

Any construction work that requires a building permit also requires building plans and inspections by the building official to ensure the work complies with the Building Code.<sup>18</sup> Generally speaking, a permitted project that passes the required inspections is considered completed or closed.<sup>19</sup>

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<sup>6</sup> *Id.*

<sup>7</sup> Florida Building Commission Homepage, <https://floridabuilding.org/c/default.aspx> (last visited Feb. 13, 2023).

<sup>8</sup> See s. 553.72(1), F.S.

<sup>9</sup> The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to “construct safe, sustainable, affordable and resilient structures.” International Code Council, *About the ICC*, <https://www.iccsafe.org/about/who-we-are/> (last visited Feb. 13, 2023).

<sup>10</sup> Ss. 553.73, and 553.74, F.S.

<sup>11</sup> S. 553.72, F.S.

<sup>12</sup> Ss. 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.

<sup>13</sup> See ss. 125.56(4)(a) and 553.79(1), F.S.

<sup>14</sup> S. 713.135(5) and (6), F.S.

<sup>15</sup> Ss. 125.56(4)(b) and 553.79(1), F.S.

<sup>16</sup> S. 468.603(2), F.S.; S. 202, Seventh edition, Florida Building Code (Building).

<sup>17</sup> *Id.*

<sup>18</sup> Ss. 107, 110.1, and 110.3, Seventh edition, Florida Building Code (Building).

<sup>19</sup> Doug Wise, *Closing Inactive & Excluded Building Permits*, Palm Beach County Planning, Zoning & Building Department, Building Division, <http://discover.pbcbgov.org/pzb/building/BuildingCodes/PBO-126%20%E2%80%9320Closing%20Inactive%20and%20Excluded%20Building%20Permits.pdf> (last visited Feb. 13, 2023).

## Uniform Fire Alarm Permit

Fire protection systems, including fire alarms, must be installed, repaired, operated, and maintained in accordance with the Fire Prevention Code and the Building Code.<sup>20</sup>

An electrical or alarm system contractor must file a uniform fire alarm permit application with a local government in order to obtain a fire alarm permit.<sup>21</sup>

The uniform fire alarm permit application must include the following information:<sup>22</sup>

- The name and address of the owner of the property;
- The name, address, and license number of the contractor;
- A description sufficient to identify the property to be improved, including the property's address and legal description;
- A description of the work being performed; and
- The owner and contractor's signature.

An electrical or alarm system contractor cannot install or replace a fire alarm until they obtain a fire alarm permit. However, an electrical or alarm system contractor may make repairs on a fire alarm **without a fire alarm permit**, as long as they have applied for the permit.<sup>23</sup>

## Time-Period to Review Building Permit Applications

Current law requires local governments to review the following building permit applications within a specific time-period of receiving the applications:<sup>24</sup>

- Accessory structure;
- **Alarm permit**;
- Nonresidential buildings less than 25,000 square feet;
- Electric;
- Irrigation permit;
- Landscaping;
- Mechanical;
- Plumbing;
- Residential units other than a single family unit;
- Multifamily residential not exceeding 50 units;
- Roofing;
- Signs;
- Site-plan approvals and subdivision plats not requiring public hearings or public notice; and
- Lot grading and site alteration associated with a permit application.

When a local government receives an application for one of the above building permits, it must:<sup>25</sup>

- Inform the applicant within **10 days** of receiving the application, what information, if any, is needed to complete the application.
  - If the local government fails to provide written notice to the applicant within the 10-day window, the application is deemed to be properly completed.
- Notify the applicant within **45 days** of the application being deemed complete if additional information is necessary to determine the sufficiency of the application;

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<sup>20</sup> Ss. 202 and 901.2, Seventh edition, Florida Building Code (Building).

<sup>21</sup> S. 553.7921(1); Ch. 19-140, Laws of Fla.

<sup>22</sup> S. 553.7921(3), F.S.

<sup>23</sup> S. 553.7921(1) and (2), F.S.

<sup>24</sup> S. 553.792(2), F.S.

<sup>25</sup> S. 553.792(1)(a), F.S.

- If additional information is needed the local government must specify what additional information is necessary.
- The applicant may submit the additional information to the local government or request that the local government act on the application without the additional information.
- Approve, approve with conditions, or deny the application within **120 days** following receipt of the completed application.
  - This period is tolled during the time an applicant is responding to a request for additional information and may be extended by mutual consent of the parties.

If a local government fails to meet one of the deadlines, it must reduce the building permit fee by ten percent for each business day that it fails to meet the deadline. Each ten percent reduction is based on the original amount of the building permit fee, unless the parties agree to an extension of time.<sup>26</sup>

### Over-the-Counter Permits

Generally, over-the-counter permits are building permits that need minimal or no plans reviewed by the local building official. However, an applicant must still fill out an application, and inspections are still required to close or complete the permit. Local government officials typically determine what types of permits qualify as over-the-counter permits for their jurisdictions. Over-the-counter permits can be issued in person or online depending on the jurisdiction.<sup>27</sup>

Typically, an application for a permit must include building plans. A local enforcing agency may not issue a permit until the building official or plans examiner has reviewed the building plans and determined that they comply with the Building Code, unless the project is not required to have plans reviewed by the local building official.<sup>28</sup>

Permits for the following projects are not required to have plans reviewed by the local building official:<sup>29</sup>

- Replacing existing equipment such as mechanical units, water heaters, etc.
- Reroofs.
- Minor electrical, plumbing and mechanical repairs.
- Annual maintenance permits.
- Prototype plans:
  - Except for local site adaptations, siding, foundations and/or modifications, and structures that require a waiver.
- Manufactured buildings except for foundations and modifications of buildings on site.

### Fire Alarm System Projects

Current law provides an expedited permitting process for certain fire alarm system projects. The process removes the time required to review plans prior to starting work. The law prohibits a local enforcement agency from requiring a contractor to submit building plans or specifications in order to obtain a permit for a fire alarm system project, but local enforcement is still authorized to require a contractor to submit a completed application and a payment for such permit.<sup>30</sup>

<sup>26</sup> S. 550.792(1)(b), F.S.

<sup>27</sup> City of Boca Raton, *Building Permits and Inspections*, <https://www.myboca.us/157/Building-Permits-and-Inspections> (last visited Feb. 13, 2023); Charlotte County, *Permits*, <https://www.charlottecountyfl.gov/departments/community-development/building-construction/permits/> (last visited Feb. 13, 2023); Nassau County, *Over the Counter Building Permit Application*, <https://www.nassaucountyfl.com/DocumentCenter/View/22517/Over-the-Counter-Building-Permit> (last visited Feb. 13, 2023); City of Sarasota, *Building and Permitting Online Services*, <https://ftgportal.sarasotafl.gov/Permits/Home.aspx?microapp=c> (last visited on Feb. 13, 2023).

<sup>28</sup> S. 553.79(2), F.S.

<sup>29</sup> S. 107.3.5, Seventh edition, Florida Building Code (Building).

<sup>30</sup> S. 553.7932(2), F.S.

A “fire alarm system project” is defined as a fire alarm system alteration of a total of 20 or fewer initiating devices and notification devices, or the installation or replacement of a fire communicator<sup>31</sup> connected to an existing fire alarm control panel<sup>32</sup> in an existing commercial, residential, apartment, cooperative, or condominium building.<sup>33</sup>

A local enforcement agency must:

- Issue a permit for a fire alarm system project in person or electronically.<sup>34</sup>
- Require at least one inspection of a fire alarm system project to ensure the work complies with the applicable codes and standards. If a fire alarm system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.<sup>35</sup>

The contractor must keep a copy of the plans and specifications at the worksite, and make them available to the inspector at each inspection.<sup>36</sup>

The expedited permitting process for fire alarm system projects does not include projects that involve fire sprinkler systems.

## Fire Protection Systems

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. A fire protection system includes, but is not limited to:<sup>37</sup>

- Water sprinkler systems;
- Water spray systems;
- Foam-water sprinkler systems;
- Foam-water spray systems;
- Carbon dioxide systems;
- Foam extinguishing systems;
- Dry chemical systems; and
- Halon and other chemical systems used for fire protection use.

Fire protection systems also include any tanks and pumps connected to fire sprinkler systems, 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 used in connection with fire sprinkler systems.<sup>38</sup>

Fire protection systems must be installed in accordance with the Fire Code and the Building Code. Current law requires local governments to enforce the Fire Code and the Building Code including the permitting, inspecting, and approval of the installation of a fire protection system.<sup>39</sup> Owners of fire

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<sup>31</sup> A “fire alarm communicator” is a device that automatically contacts first responders, if a fire is detected. Norris Inc., <https://norrisinc.com/2016/08/12/alarm-system-communicators/> (last visited Feb. 13, 2023).

<sup>32</sup> A “fire alarm control unit” serves as the brain of the fire alarm system. It is a component of a fire alarm system that receives signals from initiating devices or other fire alarm control units, and processes these signals to determine part or all of the required fire alarm system output. National Fire Protection Association, *A Guide to Fire Alarm Basics*, <https://www.nfpa.org/News-and-Research/Publications-and-media/Blogs-Landing-Page/NFPA-Today/Blog-Posts/2021/03/03/A-Guide-to-Fire-Alarm-Basics> (last visited Feb. 13, 2023).

<sup>33</sup> S. 553.7932(1)(b), F.S.

<sup>34</sup> S. 553.7932(3), F.S.

<sup>35</sup> S. 553.7932(4), F.S.

<sup>36</sup> S. 553.7932(5), F.S.

<sup>37</sup> S. 633.102(11), F.S.

<sup>38</sup> *Id.*

<sup>39</sup> See generally ch. 553 and 633, F.S.; ss. 10.1.2 and 10.1.3 of the 7th edition of the Florida Fire Prevention Code (NFPA Standard 1).

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.<sup>40</sup>

## Fire Protection System Contractors

In order to engage in the business of laying out, fabricating, installing, inspecting, altering, repairing, or servicing a fire protection system in Florida, other than a pre-engineered system, a person must be certified as a fire protection system contractor.<sup>41</sup>

Fire protection system contractors are regulated by ch. 633, F.S., which outlines the law pertaining to fire protection system contractors in the state. The State Fire Marshal is responsible for licensing and regulating fire system protection contractors in the state.<sup>42</sup>

Fire protection system contractors are divided into five categories. A contractor's ability to practice is limited to the category or categories that a contractor has obtained certification. The contractor categories are:<sup>43</sup>

- **Contractor I** - means a contractor whose business includes the execution of contracts requiring the ability to lay out, fabricate, install, inspect, alter, repair, and service all types of fire protection systems, excluding preengineered systems.
- **Contractor II** - means a contractor whose business is limited to the execution of contracts requiring the ability to lay out, fabricate, install, inspect, alter, repair, and service water sprinkler systems, water spray systems, foam-water sprinkler systems, foam-water spray systems, standpipes, combination standpipes and sprinkler risers, all piping that is an integral part of the system beginning at the point of service, sprinkler tank heaters, air lines, thermal systems used in connection with sprinklers, and tanks and pumps connected thereto, excluding preengineered systems.
- **Contractor III** - means a contractor whose business is limited to the execution of contracts requiring the ability to fabricate, install, inspect, alter, repair, and service carbon dioxide systems, foam extinguishing systems, dry chemical systems, and Halon and other chemical systems, excluding preengineered systems.
- **Contractor IV** - means a person who can lay out, fabricate, install, inspect, alter, repair, and service automatic fire sprinkler systems for detached one- and two- family dwellings and mobile homes.
  - This does not include single-family dwellings in multi-dwelling buildings such as apartments, condominiums, assisted living facilities, or buildings connected to other dwellings.
  - A Contractor IV is limited to the scope of practice specified in the NFPA 13D Standard for the Installation of Sprinkler Systems in One- and Two- Family Dwellings and Manufactured Homes.
- **Contractor V** - means a contractor whose business is limited to the execution of contracts requiring the ability to fabricate, install, alter, repair, and service the underground piping for a fire protection system using water as the extinguishing agent beginning at the point of service and ending no more than 1 foot above the finished floor. A Contractor V may inspect underground piping for a water-based fire protection system under the direction of a Contractor I or Contractor II.<sup>44</sup>

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<sup>40</sup> S. 633.312, F.S.; S. 10.2.7 of the 7th edition of the Florida Fire Prevention Code (NFPA Standard 1).

<sup>41</sup> S. 633.336(1), F.S.

<sup>42</sup> Ss. 633.318 and 633.338, F.S.

<sup>43</sup> S. 633.102(3), F.S.

<sup>44</sup> S. 633.318(9), F.S.

A fire protection system contractor must have insurance providing coverage for comprehensive general liability for bodily injury and property damages, products liability, completed operations, and contractual liability. A Contractor I, Contractor II, Contractor III, or Contractor V must have insurance of not less than \$500,000, and a Contractor IV must have insurance of not less than \$250,000.<sup>45</sup>

In order to obtain certification as a fire protection system contractor, a person must submit a written application to the Division, pay a fee of \$300, be at least 18 years of age, be of good moral character, provide proof of insurance, and pass a written exam administered by the Division.<sup>46</sup>

In order to sit for an exam for certification as a contractor, a person must provide evidence of the following experience and/or education depending on the certification sought by the person.<sup>47</sup>

- For certification as a Contractor I, a person must have 4 years of experience in the full time employment with a Contractor I, or a combination of equivalent education and experience in both water-based and chemical fire suppression systems.
- For certification as a Contractor II, a person must have 4 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.
- For certification as a Contractor III, a person must have 4 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.
- For certification as a Contractor IV, a person must be licensed as a certified plumbing contractor and successfully complete a training program of not less than 40 contact hours about the applicable installation standard described in NFPA 13D.
- For certification as a Contractor V, a person must be licensed as a certified underground utility and excavation contractor or certified plumbing contractor, or provide 4 years of verifiable experience in the full time employment of a certified underground utility and excavation contractor or certified plumbing contractor, or a combination of equivalent education and experience.

## Design of Fire Protection Systems

The scope of practice for certified contractors does not include designing a fire protection system. In order to design fire protection systems, a person must be licensed as a fire protection engineer<sup>48</sup> or architect with fire protection design experience. A fire protection engineer or architect with fire protection design may design any type of fire protection system and is not limited by type or size of the fire protection system.<sup>49</sup>

Architects in the state are regulated by ch. 481, part I, F.S., and by the Board of Architecture and Interior Design with the Department of Business and Professional Regulation (DBPR).

The practice of engineering is regulated by ch. 471, F.S., and by the Florida Board of Professional Engineers (FBPE).<sup>50</sup>

Current law provides that a Contractor I or II may:<sup>51</sup>

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<sup>45</sup> S. 633.318(4), and (7), F.S.

<sup>46</sup> The Division has an exam for each type of fire protection system certification. ss. 633.318(1), (2), and (4), and 633.132(1)(a), F.S.

<sup>47</sup> S. 633.318(3), F.S.

<sup>48</sup> There is no fire protection engineer license provided in current law. However, in order to practice engineering in Florida including fire protection engineering, a person must be licensed as a professional engineer. See ch. 471, F.S.

<sup>49</sup> S. 633.102(3), F.S.

<sup>50</sup> S. 471.038(3), F.S.

<sup>51</sup> S. 633.102(3), F.S.

- Design fire protection systems of 49 or fewer sprinklers;
- Design the alteration of an existing fire sprinkler system regardless of size as long as the alteration consists of the relocation, addition, or deletion of no more than 49 sprinklers;

“or”

- Design the alteration of an existing fire sprinkler system if the alteration consists of the relocation or deletion of 249 or fewer sprinklers, regardless of the size of the sprinkler system, as long as:
  - There is no change of occupancy of the affected areas, as defined in the Florida Building Code and the Florida Fire Prevention Code;<sup>52</sup>
  - There is no change in the water demand as defined in NFPA 13, "Standard 76 for the Installation of Sprinkler Systems;" and
  - The occupancy hazard classification as defined in NFPA 13 is not reduced or remains the same.<sup>53</sup>

During the 2021 regular Session, the law was amended to allow a Contractor I or II to provide for the third design option, which is to design the alteration of an existing fire sprinkler system if the alteration consists of the relocation or deletion of 249 or fewer sprinklers, regardless of the size of the sprinkler system. According to industry members, the wording of the law caused confusion with local enforcement agencies as to whether a contractor is authorized to work on design projects with 49 or 249 sprinklers.<sup>54</sup>

### **Effect of Proposed Changes**

The bill creates an expedited permitting process for fire sprinkler system projects. Specifically, the bill:

- Authorizes local enforcement agencies to require a contractor, as a condition of obtaining a permit for a fire sprinkler system project, to submit a completed application and payment.
- Prohibits local enforcement agencies from requiring a contractor to submit plans or specifications as a condition of obtaining a permit for a fire sprinkler system project.
- Requires local enforcement agencies to issue a permit for a fire sprinkler system project in person or electronically.
- Requires local enforcement agencies to require at least one inspection of a fire sprinkler system project to ensure compliance with applicable codes and standards.
- Provides that if a fire sprinkler system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.

The bill requires fire protection system contractors to keep a copy of the plans and specifications at the fire sprinkler system project worksite and make such plans and specifications available to the inspector at each inspection for a:

- Fire sprinkler system project to alter an existing fire protection system; and
- Fire alarm system project.

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<sup>52</sup> Every building must have an occupancy classification, which is the formal designation of the primary purpose of the building. Different classifications of occupancy represent varying levels of hazard and risk to building occupants. A change of occupancy is when a building changes its primary purpose or occupancy classification. ss. 202 and 302 of the Seventh Edition of the Building Code.

<sup>53</sup> The occupancy hazard classification is a rating system that is used to help determine the minimum water needed to fight a structural fire. No hazard classification is assigned when a building has an automatic sprinkler system installed in accordance with applicable standards. NFPA, *Step 1 How Much Water is Needed?*, [https://www.nfpa.org/assets/gallery/firewise/operationWater/step1\\_3.htm](https://www.nfpa.org/assets/gallery/firewise/operationWater/step1_3.htm) (last visited Feb. 13, 2023).

<sup>54</sup> Email from Edwards Briggs, Vice President of Government Relations & Community Affairs RSA Consulting Group, LLC, RE: HB 327 Fire Sprinkler System Projects (Feb. 03, 2023).

For a fire sprinkler system project to install or replace a component, the bill requires contractors to keep the following documents at the fire sprinkler system project worksite and make them available to the inspector at each inspection:

- A copy of the manufacturer's installation instructions; and
- Any pertinent testing instructions needed to certify or accept the component.

The bill defines a "fire sprinkler system project" to mean a fire protection system alteration of a total of 20 or fewer fire sprinklers, or the installation or replacement of an equivalent fire sprinkler system component in an existing commercial, residential, apartment, cooperative, or condominium building. A component is equivalent if the component has the same or better characteristics, including electrical, hydraulic, pressure losses, and required listings and spacing as the component being replaced.

The bill defines "component" to mean valves, backflow preventers, switches, fire sprinklers, escutcheons, hangers, pumps, pump motors and engines, compressors, hydrants, or any other item deemed acceptable by the local enforcing agency.

The bill includes a contractor that is qualified to engage in the business of fire protection system contracting pursuant to a license or certificate issued by the State Fire Marshal in the definition of contractor.

The bill clarifies that a Contractor I or II is authorized to design new fire protection systems of up to 49 sprinklers; design the relocation, addition, or deletion of existing fire sprinkler systems of up to 49 sprinklers; "and" design the relocation or deletion of existing fire sprinkler systems of 249 or fewer sprinklers and the addition of up to 49 or fewer sprinklers, as long as the cumulative total number of fire sprinklers being added, relocated, or deleted does not exceed 249.

#### B. SECTION DIRECTORY:

Section 1: amends s. 553.7932, F.S.; revising and providing definitions; providing requirements for a simplified permitting process for certain fire sprinkler system projects.

Section 2: amends s. 633.102, F.S.; revising the definition of the term "contractor" as it relates to fire sprinkler systems.

Section 3: provides for an effective date of July 1, 2023.

## II. 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:

The bill may have a positive economic impact on consumers and contractors by allowing a fire protection system contractor to work on fire sprinkler projects immediately without having to go through the plans review process before repairing broken equipment or systems.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On February 23, 2023, the Regulatory Reform & Economic Development Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The committee substitute clarifies the definition of "fire sprinkler system project," and the total number of sprinklers that Contractors I or II are authorized to design.

On March 8, 2023, the Commerce Committee adopted one amendment and reported the bill favorably as a committee substitute. The committee substitute clarifies the definition of "fire sprinkler system project."

This analysis is drafted to the committee substitute as passed by the Commerce Committee.