

**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.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SB 408

INTRODUCER: Senator Perry

SUBJECT: Fire Sprinkler System Project Permitting

DATE: March 6, 2023

REVISED: \_\_\_\_\_

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION           |
|----|---------|----------------|-----------|------------------|
| 1. | Hunter  | Ryon           | CA        | <b>Favorable</b> |
| 2. |         |                | RI        |                  |
| 3. |         |                | RC        |                  |

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**I. Summary:**

SB 408 creates a simplified permitting process for certain “fire sprinkler system projects,” as defined in the bill, similar to the current process for fire alarm system projects. Specifically, the bill allows a local enforcement agency to require a fire protection system contractor to submit a permit application and pay a permit fee for a fire sprinkler system project, but may not require the contractor to submit plans or specifications as a condition of obtaining such permit. Such fire sprinkler system project must have at least one inspection to ensure compliance with applicable codes and standards, and a contractor must keep a copy of plans available at inspection. The local enforcement agency must issue a permit for a fire sprinkler system project in person or electronically.

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 a of an equal or equivalent sprinkler system component in an existing commercial, residential, apartment, cooperative, or condominium building.

The bill takes effect on July 1, 2023.

**II. Present Situation:**

**State Fire Marshal and Florida Fire Prevention Code**

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. 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 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.

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. 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.

### **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>1</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>2</sup>

Fire protection systems must be installed in accordance with the Fire Code and the Florida Building Code. Current law requires local governments to enforce the Fire Code and the Florida Building Code including the permitting, inspecting, and approving the installation of a fire protection system.<sup>3</sup> 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.<sup>4</sup>

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<sup>1</sup> Section 633.102(11), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> *See generally* chs. 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).

<sup>4</sup> Section 633.312, F.S.; S. 10.2.7 of the 7th edition of the Florida Fire Prevention Code (NFPA Standard 1).

## 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>5</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>6</sup>

There are five levels of certification for fire protection system contractors. A contractor's ability to practice is limited to the category or categories for which the contractor has obtained certification.<sup>7</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 pre-engineered 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 pre-engineered 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.
- 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>8</sup>

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

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<sup>5</sup> Section 633.336(1), F.S.

<sup>6</sup> Sections 633.318 and 633.338, F.S.

<sup>7</sup> Section 633.102(3), F.S.

<sup>8</sup> *Id.*

insurance of not less than \$500,000, and a Contractor IV must have insurance of not less than \$250,000.<sup>9</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>10</sup>

In order to sit for an exam for certification as a contractor, a person must provide evidence of the experience and/or education depending on the certification sought by the person.<sup>11</sup>

### **Fire Alarm System Projects**

In 2022, the Legislature enacted s. 553.7932, F.S., to create a simplified permitting process for certain fire alarm system projects.<sup>12</sup> The process removes the time required to review plans prior to starting work. The law prohibits a local enforcement agency from requiring an electrical or alarm system contractor to submit plans or specifications in order to obtain a permit for certain fire alarm system projects, but preserves their authority to require a permit application and permit fee.<sup>13</sup>

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>14</sup> connected to an existing fire alarm control panel<sup>15</sup> in an existing commercial, residential, apartment, cooperative, or condominium building.<sup>16</sup>

A local enforcement agency must:

- Issue a permit for a fire alarm system project in person or electronically.<sup>17</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>18</sup>

<sup>9</sup> Section 633.318(4), and (7), F.S.

<sup>10</sup> The Division has an exam for each type of fire protection system certification. *See* ss. 633.318(1), (2), and (4), and 633.132(1)(a), F.S.

<sup>11</sup> Section 633.318(3), F.S.

<sup>12</sup> Ch. 2022-124, Laws of Fla.

<sup>13</sup> Section 553.7932(2), F.S.

<sup>14</sup> A “fire alarm communicator” is a device that automatically contacts first responders, if a fire is detected. Norris Inc., available at <https://norrisinc.com/2016/08/12/alarm-system-communicators/> (last visited March 2, 2023).

<sup>15</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*, available at <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 March 2, 2023).

<sup>16</sup> Section 553.7932(1)(b), F.S.

<sup>17</sup> Section 553.7932(3), F.S.

<sup>18</sup> Section 553.7932(4), F.S.

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>19</sup>

### **III. Effect of Proposed Changes:**

The bill creates s. 553.7953, F.S., to establish a simplified permitting process for certain “fire sprinkler system projects.” A “fire sprinkler system project” is a fire protection system alteration of a total of 20 or fewer fire sprinklers, or the installation or replacement of an equal or equivalent sprinkler system component in an existing commercial, residential, apartment, cooperative, or condominium building.

A contractor replacing a fire sprinkler system component must use a component with the same or better characteristics as the component being replaced, including electrical, hydraulic, pressure losses, required listings, and spacings.

The bill prohibits local enforcement agencies from requiring a fire protection system contractor to submit plans or specifications as a condition of obtaining a permit for a fire sprinkler system project. However, a local enforcement agency may require a contractor, as a condition of obtaining a permit for a fire sprinkler system project, to submit a completed application and make a payment.

A fire sprinkler system project is required to have at least one inspection to ensure compliance with applicable codes and standards. The contractor must keep a copy of the plans or manufacturer’s installation instruction and make such plans available at each inspection.

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

### **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.

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<sup>19</sup> Section 553.7932(5), F.S.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Fire system contractors may see increased efficiency that is realized by the simplified permitting process.

C. Government Sector Impact:

Local governments may see a reduction in workload due to the removal of a plans review phase prior to permitting fire sprinkler system projects.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 553.7953 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.