

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: CS/SB 408

INTRODUCER: Regulated Industries Committee and Senator Perry

SUBJECT: Fire Sprinkler System Project Permitting

DATE: March 22, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hunter</u>	<u>Ryon</u>	<u>CA</u>	Favorable
2.	<u>Kraemer</u>	<u>Imhof</u>	<u>RI</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/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 that have the same K-factor (relating to discharge rates from sprinkler heads) and does not change a hazard classification or an increased system coverage area, or the installation or replacement of an equivalent sprinkler system component in an existing commercial, residential, apartment, cooperative, or condominium building.

The bill is effective 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. The 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:¹

- 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.²

¹ Section 633.102(11), F.S.

² *Id.*

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.³ 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.⁴

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.⁵

Fire protection system contractors are regulated by ch. 633, F.S., which outlines the law pertaining to fire protection system contractors in Florida. The State Fire Marshal is responsible for licensing and regulating fire system protection contractors in Florida.⁶

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.⁷

- **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 pre-engineered 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

³ 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).

⁴ Section 633.312, F.S.; See s. 10.2.7 of the 7th edition of the Florida Fire Prevention Code (NFPA Standard 1).

⁵ Section 633.336(1), F.S.

⁶ Sections 633.318 and 633.338, F.S.

⁷ Section 633.102(3), F.S.

underground piping for a water-based fire protection system under the direction of a Contractor I or Contractor II.⁸

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 in an amount not less than \$500,000, and a Contractor IV must have insurance in an amount not less than \$250,000.⁹

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.¹⁰

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

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, streamlining processing time by eliminating any requirement for a local enforcement agency to review plans prior to a contractor starting work.¹² 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 the agency's authority to require a permit application and permit fee.¹³

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 communicator¹⁴ connected to an existing fire alarm control panel¹⁵ in an existing commercial, residential, apartment, cooperative, or condominium building.¹⁶

⁸ *Id.*

⁹ Section 633.318(4), and (7), F.S.

¹⁰ The Division administers examinations and collects fees for each type of fire protection system certification. *See* ss. 633.318(1), (2), and (4), and 633.132(1)(a), F.S.

¹¹ Section 633.318(3), F.S.

¹² Ch. 2022-124, Laws of Fla.

¹³ Section 553.7932(2), F.S.

¹⁴ A “fire alarm communicator” is a device that sends a coded signal when a fire alarm or abnormal condition occurs to special receivers at a 24-hour central station, to alert station operators to call the appropriate authorities and a building's management or owners. Norris Inc., available at <https://norrisinc.com/2016/08/12/alarm-system-communicators/> (last visited March 14, 2023).

¹⁵ A “fire alarm control unit” or fire alarm panel, 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 14, 2023).

¹⁶ Section 553.7932(1)(b), F.S.

A local enforcement agency must:

- Issue a permit for a fire alarm system project in person or electronically.¹⁷
- Require at least one inspection to ensure the work complies with the applicable codes and standards, and if a fire alarm system project fails an inspection, the contractor must take corrective action to pass inspection.¹⁸

The contractor must keep a copy of the plans and specifications at the fire alarm system project worksite, and make them available to the inspector at each inspection.¹⁹

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 that have the same K-factor (relating to discharge rates from sprinkler heads) and does not change a hazard classification (which depends on a building’s occupancy or use)²⁰ or an increased system coverage area, or the installation or replacement of an 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 equivalent to the component being replaced, including electrical, hydraulic, pressure losses, required listings, and spacings. The bill defines the term “component” to mean “valves, fire sprinklers, escutcheons [plates that seal the gap between sprinklers and surfaces], hangers, compressors, or any other item deemed acceptable by the local enforcement agency.” Under the bill, the term “valves” does not include pressure-regulating, pressure-reducing, or pressure-control valves.

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 local enforcement agency must require a fire sprinkler system project to have at least one inspection to ensure compliance with applicable codes and standards. If a fire sprinkler system project fails an inspection, the contractor must take corrective action to pass inspection.

If the purpose of the fire sprinkler system project is to alter a fire sprinkler system, the contractor must keep a copy of the plans or as-built plans at the fire sprinkler system project worksite, and make such plans available to the inspector at each inspection.

If the purpose of the fire sprinkler system project is to replace a component of the fire system, the contractor must keep a copy of the manufacture’s installation instructions and any related

¹⁷ Section 553.7932(3), F.S.

¹⁸ Section 553.7932(4), F.S.

¹⁹ Section 553.7932(5), F.S.

²⁰ See s. 302 of the Florida Building Code, *Occupancy Classification and Use Designation* at <https://codes.iccsafe.org/content/FLBC2020P1/chapter-3-use-and-occupancy-classification> (last visited Mar. 21, 2023).

testing instructions to certify or accept the component at a fire sprinkler system project and make such documents to the inspection at each inspection.

The bill is effective 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.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Fire system contractors may experience improved workflow and increased efficiency resulting from implementation of the simplified permitting process.

C. Government Sector Impact:

Local governments may experience a reduction in workload and increased administrative and inspection efficiencies due to eliminating review of plans before issuing a permit for 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 Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Regulated Industries Committee on March 21, 2023:

The CS revises the definitions of:

- “Component” to delete backflow preventers, switches, hydrants, pumps, pump motors and engines, and to provide that the term “valves” in this definition does not include pressure-regulating, pressure-reducing, or pressure-control valves; and
- “Fire sprinkler system project” to add a requirement that alteration of a fire protection system have the same K-factor (relating to discharge rates from sprinkler heads) and does not change a hazard classification or an increased system coverage area.

The amendment also clarifies that eligible projects include those for installation or replacement of an “equivalent” component, not “an equal or equivalent” one.

- B. **Amendments:**

None.