

**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 Rules

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BILL: CS/CS/SB 1078

INTRODUCER: Community Affairs Committee; Banking and Insurance Committee and Senator McClain

SUBJECT: Fire Prevention

DATE: April 15, 2025

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Moody</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2. <u>Hackett</u>	<u>Fleming</u>	<u>CA</u>	<u>Fav/CS</u>
3. <u>Moody</u>	<u>Yeatman</u>	<u>RC</u>	<u>Pre-meeting</u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 1078 clarifies the simplified permitting process for certain fire alarm and fire sprinkler system projects and enhances several key provisions relating to fire system and fire alarm permitting, inspection processes, and enforcement of local ordinances.

**Simplified Permitting Process for Certain Fire Alarm and Sprinkler System Projects**

- Requires local governments to establish a simplified permitting process that complies with the minimum requirements of the Florida Building Code's (Building Code) simplified permitting process for fire alarm or sprinkler system projects of 20 or fewer alarm devices or sprinklers.
- Specifies deadlines for permit issuances and inspections and removes the requirement for a local enforcement agency to perform at least one inspection.
- Allows a contractor to commence work that is authorized by the permit immediately after submission of a completed application.
- Clarifies that a contractor's requirement to make fire alarm project plans and specifications available to the inspector at each inspection must be made available for an onsite plans review of them.
- Requires a contractor to provide copies of any documentation requested from the local enforcement agency for recording purposes within a specified time and prohibits such agency from requiring documentation for areas or devices outside the scope of permitted work.

- Requires a local government who fails to comply with certain deadlines to refund a specified amount of the permit fee unless an exception applies.
- Amends the definition subsection which clarifies the scope of when the simplified permitting process applies.

### **Ordinance Compliance**

- Provides that amendments adopted by local governments which do not comply with the Florida Fire Prevention Code (Fire Prevention Code) are unenforceable.
- Provides that a municipality may enforce only an ordinance that has been sent to the Florida Building Commission and the State Fire Marshal as of the date that the bid for permit was submitted.
- Requires local governments to submit newly adopted amendments to the Fire Prevention Code to registered fire protection contractors.

### **Inspection Report Improvements**

- Amends the information required to be included in a uniform summary inspection report for fire protection system and hydrant inspections to require the total quantity of deficiencies separated into critical and noncritical categories, the total number of impairment deficiencies, and a brief descriptions of each.

The bill provides an effective date of July 1, 2025.

## **II. Present Situation:**

### **Florida Division of the State Fire Marshal**

State law on fire prevention and control is provided in Chapter 633, F.S. Section 633.104, F.S., designates the Chief Financial Officer as the State Fire Marshal, operating through the Division of the State Fire Marshal (Division).<sup>1</sup> Pursuant to this authority, the State Fire Marshal regulates, trains, and certifies fire service personnel; conducts firesafety inspections of state property; develops firesafety standards; provides facilities for the analysis of fire debris; and operates the Florida State Fire College.<sup>2</sup>

The Division consists of two bureaus: Bureau of Fire Prevention and Bureau of Fire Standards and Training.<sup>3</sup> The Inspections Section, under the Bureau of Fire Prevention, annually inspects more than 14,000 state-owned buildings and facilities. The State Fire Marshal adopts by rule the Florida Code, which contains or references all firesafety laws and rules regarding public and private buildings. The Inspections Section is responsible for enforcing the Fire Prevention Code which contains more than 200 fire safety standards.<sup>4</sup>

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<sup>1</sup> The head of the Department of Financial Services (DFS) is the Chief Financial Officer. Section 633.102(5), F.S., provides the Division of State Fire Marshal is located within the DFS.

<sup>2</sup> Division of State Fire Marshal, *State Fire Marshal*, available at [Florida's State Fire Marshal](#) (last visited Mar. 24, 2025).

<sup>3</sup> *Id.*

<sup>4</sup> Division of State Fire Marshal, *Inspections*, available at [Inspections | Bureau of Fire Prevention | Florida's State Fire Marshal](#) (last visited Mar. 24, 2025).

## Fire Alarm and Fire Sprinkler System Projects

In 2022, the Legislature enacted s. 553.7932, F.S., to create a simplified permitting process for fire alarm system projects<sup>5</sup> altering 20 or fewer initiating and notification devices, streamlining processing time by eliminating any requirement for a local enforcement agency to review plans prior to a contractor<sup>6</sup> starting work.<sup>7</sup> In 2023, the section was amended to apply the simplified permitting process to fire sprinkler system projects<sup>8</sup> that alter 20 or fewer sprinklers. The law prohibits a local enforcement agency from requiring a contractor to submit plans or specifications in order to obtain a permit for certain fire alarm or fire sprinkler system projects but preserves the agency's authority to require a permit application and permit fee.<sup>9</sup>

A local enforcement agency must:

- Issue a permit for a fire alarm or fire sprinkler system project in person or electronically.<sup>10</sup> Current law does not prescribe a deadline for which the local enforcement agency must issue the permit.
- Require at least one inspection to ensure the work complies with the applicable codes and standards, and if a fire alarm or fire sprinkler system project fails an inspection, the contractor must take corrective action to pass inspection.<sup>11</sup>

The contractor must keep a copy of the plans and specifications at the fire alarm or fire sprinkler system project worksite and make them available to the inspector at each inspection.<sup>12</sup> Current law does not specify that the purpose of making them available is for an onsite plan review.

## Fire Prevention and Control

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 Building Code. Each county, municipality, and special district with fire safety enforcement responsibilities must

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<sup>5</sup> Section 553.7932(1)(c), F.S., defines a "fire alarm system project" 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 connected to an existing fire alarm control panel in an existing commercial, residential, apartment, cooperative, or condominium building. 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 Mar.24, 2025).

<sup>6</sup> Section 553.7932(1)(b), F.S., defines "contractor" as a person who: 1. Is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under part II of ch. 489, F.S.; or 2. Is qualified to engage in the business of fire protection system contracting pursuant to a license or certificate issued by the State Fire Marshal.

<sup>7</sup> Ch. 2022-124, Laws of Fla.

<sup>8</sup> Section 553.7932(1)(d), F.S., defines a "fire sprinkler system project" as a fire protection system alteration of a total of 20 or fewer fire sprinklers in which the sprinklers are of the same K-factor and located in spaces where there is no change of hazard classification or increased system coverage area, or the installation or replacement of an equivalent fire sprinkler system component in an existing commercial, residential, apartment, cooperative, or condominium building.

<sup>9</sup> Section 553.7932(2), F.S.

<sup>10</sup> Section 553.7932(3), F.S.

<sup>11</sup> Section 553.7932(4), F.S.

<sup>12</sup> Section 553.7932(5), F.S.

employ or contract with a fire safety inspector (certified by the State Fire Marshal) to conduct all fire safety inspections required by law.<sup>13</sup>

### ***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>14</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.

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>15</sup>

Fire protection systems must be installed in accordance with the Fire Prevention Code and the Building Code. Current law requires local governments to enforce the Fire Prevention Code and the Building Code including the permitting, inspecting, and approving the installation of a fire protection system.<sup>16</sup> Owners of fire protection systems must contract with a certified fire protection system contractor to regularly inspect such systems.<sup>17</sup>

### ***Fire Protection System Contractors***

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>18</sup>

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.<sup>19</sup>

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<sup>13</sup> Section 633.202, F.S.

<sup>14</sup> Section 633.102(11), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> See generally chs. 553 and 633, F.S.; Florida Fire Prevention Code 8<sup>th</sup> Edition (NFPA Standard 1), available at [florida-fire-prevention-code-8th-edition-nfpa-101-fl-sp.pdf](#) (last visited Mar. 24, 2025).

<sup>17</sup> Section 633.312, F.S.

<sup>18</sup> Section 633.336(1), F.S.

<sup>19</sup> Sections 633.318 and 633.338, F.S.

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>20</sup>

### ***Fire Prevention Code***

The State Fire Marshal is required to adopt by rule the Fire Prevention Code and must adopt or incorporate by reference specified codes, such as the current edition of the National Fire Protection Association's Standard 1, Fire Protection Code.<sup>21</sup> Local governments are given an opportunity to submit local fire code amendments within a certain time which the State Fire Marshal is required to review to make specified determinations.<sup>22</sup> The State Fire Marshall must adopt a new code every three years, and any local amendments are only effective until the new adoption of the code occurs.<sup>23</sup> After the State Fire Marshal approves a local amendment and it is published on the State Fire Marshal's website, the local authority having jurisdiction to enforce the Fire Prevention Code may enforce the local amendment.<sup>24</sup> The State Fire Marshal may approve local amendments that address specified topics.<sup>25</sup> The local government must send within 30 days a copy of any local amendment it adopts to the Florida Building Commission and the State Fire Marshal.<sup>26</sup>

### ***Penalties***

Section 633.106, F.S., authorizes the State Fire Marshal to impose the following disciplinary actions against any individual who does not meet the qualifications established by, or who violates any provision of ch. 633, F.S., or any rule that it authorizes:

- Deny, suspend, or revoke the license, certificate, or permit.
- Except on a second offense or when the suspension, revocation, or refusal to issue is mandatory, and in lieu of such actions, impose one of the following:
  - An administrative fine not to exceed \$1,000 for each violation up to \$10,000.
  - Probation for a period not to exceed 2 years.

The State Fire Marshal has discretion on the number of days for payment, but such fees must be paid within a reasonable period not to exceed 30 days. Failure to pay the fine within the required period results in the license, permit or certificate being suspended until the payment of the administrative fine is made. The State Fire Marshal has discretion on his or her reasonable terms and conditions that may be imposed during the probation period.<sup>27</sup>

### ***Uniform Summary Inspection Report***

The bill requires that the State Fire Marshal adopt rules to implement a uniform submission procedure for the collection of inspection reports. The local authority having jurisdiction may accept the report by mail, hand delivery, electronically or through a vendor. The State Fire Marshal must adopt rules to establish submission procedures for each of these methods. These

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<sup>20</sup> Section 633.102(3), F.S.

<sup>21</sup> Section 633.202(1) and (2), F.S.

<sup>22</sup> Section 633.202(3)(a), F.S.

<sup>23</sup> Section 633.202(3)(b), F.S.

<sup>24</sup> Section 633.202(5), F.S.

<sup>25</sup> *Id.*

<sup>26</sup> Section 633.202(8), F.S.

<sup>27</sup> Section 633.106, F.S.

rules must allow a contractor to attach additional documents, including their detailed inspection report, to the submission. The standardized procedures to be set by the State Fire Marshal must include a standardized reporting format for a uniform summary report. The uniform summary report must include:

- The address of the building or hydrant;
- The company and person conducting the inspection and their license number;
- The date of the inspection;
- The fire protection system or hydrant inspection status; and
- A brief summary of each deficiency, critical deficiency, noncritical deficiency or impairment found.

The contractor's inspection report is not required to follow a uniform format and contractors may not be required to enter details of the inspection report. The submission procedures created by the State Fire Marshal may not require a contractor to submit information contained within the detailed inspection report unless the information is required to be included in the uniform summary report.<sup>28</sup>

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

CS/CS/SB 1078 aims to strengthen fire safety standards statewide by:

- Streamlining permitting and inspection processes to be more efficient.
- Enhancing local government accountability and compliance with state regulations.
- Reducing administrative burdens and costs for contractors while maintaining safety standards.

#### **Simplified Permitting Process for Certain Fire Alarm and Sprinkler System Projects**

**Section 1** of the bill requires local governments to establish by October 1, 2025, a simplified permitting process that complies with the minimum requirements of the Building Code's simplified permitting process for fire alarm or sprinkler system projects of 20 or fewer alarm devices or sprinklers.

The bill amends the simplified permitting process in the Building Code to specify that a local enforcement agency must issue a permit within two business days after submission of the completed application. The bill allows contractors to begin work authorized by the permit immediately after the submission of a completed application before the local enforcement agency issues the permit. The bill modifies the requirement for a local enforcement agency to perform at least one inspection of a fire alarm or fire sprinkler system project to ensure compliance with applicable codes and standards and provides that if a local enforcement agency requires an inspection, then it must be completed within 3 business days after such inspection is requested. These deadlines for issuing permits and conducting inspections are intended to ensure timely compliance and efficient project completion.

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<sup>28</sup> Section 633.312(3)(b), F.S.

If a local government fails to comply with deadlines for issuing permits or completing inspections, then the local government must refund the permit fee by 10 percent for each business day of such failure unless:

- The local government and contractor agree in writing to a reasonable extension of time,
- The delay is caused by the applicant, or
- The delay is attributable to a force majeure or other extraordinary circumstances.

Each 10 percent reduction is based on the original amount of the permit fee.

The bill clarifies that the purpose of a contractor's requirement to make fire alarm project plans and specifications available to the inspector at each inspection is for an onsite plans review of them. The bill specifies the additional documents requested by the local enforcement agency as part of an inspection for a fire alarm or sprinkler system project must be for recording purposes, and requires a contractor to provide copies of any such documentation within four business days after the inspection or within four days after the documents are requested, whichever is later, and prohibits such agency from requiring documentation for areas or devices outside the scope of permitted work.

The bill defines "alteration" as "to add, install, relocate, replace, or remove" which clarifies the definitions of fire alarm system project and fire sprinkler system project and which, in turn, clarifies when the simplified permitting process applies to altering such systems. The bill also amends the definition to "fire alarm system project" to add an additional service to the definition of such project, specifically "...the replacement of an existing fire alarm panel using the same make and model as the existing panel."

### **Ordinance Compliance**

**Section 2** of the bill provides that amendments adopted by local governments to the Fire Prevention Code which do not comply with the provisions of s. 633.202, F.S., are unenforceable. The bill provides that a municipality may enforce only an ordinance that has been sent to the Florida Building Commission and the State Fire Marshal as provided in the Fire Prevention Code as of the date that the bid for permit was submitted. Additionally, a local government must submit an adopted local amendment to the Fire Prevention Code to all of the local government's registered fire protection contractors within 7 business days of adopting the ordinance.

### **Inspection Report Improvements**

**Section 3** of the bill modifies the information required to be included in a uniform summary inspection report for fire protection system and hydrant inspections to require the total quantity of deficiencies separated into critical and noncritical categories, as well as the total number of impairment deficiencies, with a brief summary of each impairment deficiency.

**Section 4** of the bill provides an effective date of July 1, 2025.

#### IV. Constitutional Issues:

##### A. Municipality/County Mandates Restrictions:

Article VII, section 18 (a) of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. Under the bill local governments are required to issue permits and complete inspections within a specified time which may require them to hire additional personnel to meet such deadlines. Further, local governments are required to reduce permit fees by 10 percent for each business day after such government fails to comply with such deadlines. If the bill does qualify as a mandate, in order to be binding upon cities and counties, the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each house.

However, the mandate requirements do not apply to laws having an insignificant fiscal impact, which for Fiscal Year 2025-2026 is forecast at approximately \$2.4 million.<sup>29,30,31</sup>

If costs imposed by the bill exceed \$2.4 million, the mandates provisions may apply. If the bill does qualify as a mandate, in order to be binding upon cities and counties, the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each house.

##### B. Public Records/Open Meetings Issues:

None.

##### C. Trust Funds Restrictions:

None.

##### D. State Tax or Fee Increases:

None.

##### E. Other Constitutional Issues:

None.

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<sup>29</sup> FLA. CONST. art. VII, s. 18(d).

<sup>30</sup> An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Mar. 24, 2025).

<sup>31</sup> Based on the Florida Demographic Estimating Conference's February 4, 2025 population forecast for 2025 of 23,332,606. The conference packet is available at: [https://edr.state.fl.us/content/conferences/population/ConferenceResults\\_Tables.pdf](https://edr.state.fl.us/content/conferences/population/ConferenceResults_Tables.pdf) (last visited Mar. 24, 2025).

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

This bill requires local governments to reduce permit fees by 10 percent for each business day after such government fails to comply with authorizing a permit or conducting an inspection of a fire alarm or sprinkler system within a specified time.

**B. Private Sector Impact:**

The bill may reduce the cost of permit fees paid by the private sector to local governments if a local government fails to meet time requirements. On the other hand, the local jurisdictions may raise permit fees so that they can hire employees to meet the time requirements in the bill.

**C. Government Sector Impact:**

The DFS reports that CS/CS/SB 1078 will have no fiscal impact on state government<sup>32</sup> This bill may reduce the amount of permit fees that could be collected by local governments in certain circumstances. This bill may impact local governments because they may have to hire more employees to meet the prescribed timeframes. Additionally, local governments may need to expend funds to comply with the requirement to submit newly adopted local amendments to fire protection contractors, although the costs will likely be minimal.

**VI. Technical Deficiencies:**

The bill requires local governments to “submit” local amendments to the Fire Prevention Code to registered fire protection contractors. The bill does not specify the manner in which the information must be submitted, whether via physical mail or e-mail.

**VII. Related Issues:**

The DFS reports that Rule 69A-46, of the Florida Administrative Code, will need to be modified to conform to the changes made in SB 1078.<sup>33</sup>

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 553.7932, 633.202, and 633.312.

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<sup>32</sup> The DFS, *Department of Financial Services 2025 Agency Legislative Bill Analysis SB 1078*, p. 2, Mar. 5, 2025 (on file with the Senate Committee on Banking and Insurance) (hereinafter cited as “2025 DFS Agency Analysis for SB 1078”).

<sup>33</sup> *Id.*

**IX. Additional Information:****CS/CS by Community Affairs on March 25, 2025:**

- Corrects certain references to counties and municipalities to refer more generally to local governments.
- Provides that amendments to the Fire Code adopted by local governments which do not comply with the Fire Prevention Code are “unenforceable,” rather than “null and void.”
- Requires local governments to submit adopted amendments to the Fire Prevention Code to registered fire protection contractors within 7 business days of adoption.
- Provides that the deficiencies noted in the inspection report should be separated into critical and noncritical categories, and include the total number of impairment deficiencies, with summaries for each.

**CS by Banking and Insurance on March 10, 2025:**

- Modifies the deadline for the local enforcement agency to complete an inspection to within 3 days, rather than 24 hours, after it is requested.
- Specifies the additional documents requested by the local enforcement agency as part of an inspection for a fire alarm or sprinkler system project must be for recording purposes and clarifies that the timeframe in which the contractor must provide such documents.
- Clarifies the applicability and amount of the reduced permit fees for failing to meet deadlines.
- Provides a local amendment will be null and void, rather than rescinded immediately, if a county or municipality fails to adhere to the requirements of s. 633.202, F.S., and moves the provision from subsection (10)(b) to subsection (9)(b).
- Removes the provision that a local fire marshal is subject to disciplinary action in s. 633.106, F.S., if the county or municipality continues to enforce an ordinance that has been rescinded.
- Provides a municipality may enforce only an ordinance that has been sent to the Florida Building Commission and the State Fire Marshal in accordance with current law as of the date that the bid for permit was submitted.

**A. Amendments:**

None.