

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 674

SPONSOR: Comprehensive Planning, Local and Military Affairs Committee and Senator Miller

SUBJECT: Fire Hydrants

DATE: February 12, 2002      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cooper	Yeatman	CA	Favorable/CS
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This CS requires persons owning a private fire hydrant to ensure the hydrant is installed, maintained and inspected properly, and to produce, upon request, a valid and continuing maintenance contract for the hydrant. If the owner fails to produce such contract upon request of the fire official, the owner must contract with the local government fire control authority for annual inspection and servicing of the fire hydrant.

This CS creates an unspecified section of Florida Law.

**II. Present Situation:**

The Florida Fire Prevention Code was adopted by the State Fire Marshal and became effective on January 1, 2002. The base documents for this Code are two national codes developed by the National Fire Protection Association (NFPA). Two provisions within the code are NFPA 24 (Installation of private fire service mains) and NFPA 25 (Inspection, testing and maintenance of water based fire protection systems).

NFPA 24, sub-section 4-3.6 states:

To ensure proper functioning, wet barrel hydrants shall be tested at least annually, and dry barrel hydrants tested semi-annually in the early spring and fall, in accordance with the requirements of the authority having jurisdiction.

NFPA 25, sub-section 4-3.2 states:

Hydrants shall be tested annually to ensure proper functioning. Each hydrant shall be opened fully and water flowed until all foreign material has cleared. Flow shall be maintained for not less than one minute.

Section 633.052, F.S., states that a county or municipality which has created a code enforcement board or a special master system may enforce firesafety code violation as provided in chapter 162, F.S. If no board or special master system exists, the county or municipality is authorized to enact ordinances relating to firesafety codes, which shall provide a maximum civil penalty not to exceed \$500.

A spokesman for the Bureau of Fire Protection, under the State Fire Marshal, indicates that in each area or jurisdiction that has fire safety responsibilities, (i.e., a fire department, whether municipal, county, or volunteer) the authority for enforcement of fire safety standards is designated by the local government to the local fire chiefs of the municipal, county or special district fire departments. In areas that do not have fire safety responsibilities, the authority to enforce fire safety standards is with those persons designated by the local government. (s. 633.121, F.S.) However, the State Fire Marshall has indicated that 31 of Florida's 67 counties have coverage "gap," in that some portion of the county does not have any person (or entity) designated as that area's fire control authority.

### III. Effect of Proposed Changes:

**Section 1** provides that a person or business who owns a private fire hydrant must ensure that the hydrant is installed in compliance with the provisions of National Fire Protection Association Standard 24 (Standard for the Installation of Private Fire Service Mains and Their Appurtenances) and is inspected and maintained in compliance with the provisions of National Fire Protection Association Standard 25 (Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems), the edition currently adopted by the State Fire Marshal pursuant to its code and standards adoption authority in Chapter 633. Upon request of a fire official, private fire hydrant owners must produce a valid and continuing maintenance contract with a plumbing contractor licensed under Chapter 489, an underground utility contractor licensed under Chapter 489, or in the case the private hydrant is part of a fire suppression system, a fire protection contractor licensed under Chapter 633.

If, upon request of the fire official, the person fails to produce a valid maintenance contract, the owner of the fire hydrant must contract with the local government fire control authority that serves the property where the fire hydrant is located for annual inspection and servicing of the fire hydrant. Furthermore, a person who violates this provision is guilty of a non-criminal violation, punishable by a fine not to exceed \$100 for a first offense or \$250 for each subsequent offense.

**Section 2** provides that the act will take effect July 1, 2002.

### IV. Constitutional Issues:

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

None.

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

None.

**C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Persons owning a private fire hydrant would be required to ensure the fire hydrant is installed, maintained and inspected properly, and to produce, upon request, a valid and continuing maintenance contract for the hydrant. If, upon request of the fire official, the person fails to produce a valid maintenance contract, the owner of the fire hydrant must contract with the local government fire control authority that serves the property where the fire hydrant is located for annual inspection and servicing of the fire hydrant.

**C. Government Sector Impact:**

Local government fire control authorities may conduct more annual inspections and servicing of fire hydrants. Such services would be pursuant to contracts with owners of private fire hydrants.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.