

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 General Government Appropriations Committee

BILL: SB 1136

INTRODUCER: Senator Crist

SUBJECT: Fire Safety Inspections

DATE: April 6, 2010

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|-----------|----------------|-----------|------------------|
| 1. | Howes | Yeatman | CA | Favorable |
| 2. | Messer | Burgess | BI | Favorable |
| 3. | Frederick | DeLoach | GA | Favorable |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

I. Summary:

This bill provides that public fire hydrants owned by a governmental entity shall be inspected following standards adopted by the State Fire Marshal or equivalent standards, such as those contained in the latest edition of the American Water Works Association Manual. Additionally, this bill provides that county, municipal, and special district utilities may designate employees to perform fire hydrant inspections, regardless of whether those employees are certified by the State Fire Marshal. Although a certification is no longer required, the county, municipal, and special district utilities are responsible for ensuring that the designated employees are qualified to perform fire hydrant inspections.

This bill substantially amends sections 633.081 and 633.082, Florida Statutes.

II. Present Situation:

Pursuant to ch. 633, F.S., the Chief Financial Officer (CFO) is designated as the State Fire Marshal and, as such, carries out the duties of fire prevention, protection, and control through the Division of State Fire Marshal (division). Chapter 633, F.S., authorizes the division to regulate, train, and certify fire service personnel; investigate the causes of fires; enforce the arson laws; regulate the installation of fire equipment; conduct fire safety inspections of state property; develop fire safety standards; provide facilities for the analysis of fire debris; and operate the Florida State Fire College.

Section 633.025(1), F.S., provides that the Florida Fire Prevention Code and the Life Safety Code adopted by the State Fire Marshal “shall be deemed adopted by each municipality, county, and special district with fire safety responsibilities.” Subsection (2) states that each such

municipality, county, and special district “shall enforce the Florida Fire Prevention Code and the Life Safety Code as the minimum fire safety code required by this section.” These minimum requirements incorporate the National Fire Prevention Association (NFPA) annual inspection requirements for fire hydrants.

Section 633.081, F.S., authorizes the State Fire Marshal and his agents to inspect certain buildings and structures. Pursuant to the statute: “Each county, municipality, and special district that has fire safety enforcement responsibilities shall employ or contract with a fire safety inspector. The fire safety inspector must conduct all fire safety inspections that are required by law.” Every fire safety inspection must be conducted by a person certified as having met the inspection training requirements established by the State Fire Marshal.

Section 633.082, F.S., requires the inspection of fire protection systems installed in public and private properties, except one-family or two-family dwellings. Such inspections must be conducted using the nationally recognized inspection, testing, and maintenance standards, NFPA-24 and NFPA-25, which have been adopted by the State Fire Marshal. A copy of the inspection report must be provided to the building owner and to the local fire authority having jurisdiction. The maintenance of fire sprinkler systems and any corrective actions required are the responsibility of the property owner. Section 633.082(3), F.S., provides that this provision is not intended to limit the inspection and enforcement authority of government entities.

III. Effect of Proposed Changes:

Sections 1 and 2 amend ss. 633.081 and 633.082., F.S., to allow fire safety inspectors who are employees of local governmental units or special districts to perform inspections on fire hydrants under their control without being certified to do so by the State Fire Marshal.

The bill further provides that, if a local government or special district uses such designated employees, the local government or special district is responsible for ensuring that the employees are qualified to perform fire hydrant inspections.

Section 3 provides that the bill is effective upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill eliminates the mandate that counties, municipalities, and special districts use employees certified by the State Fire Marshal to perform inspections of fire hydrants. This may cause an indeterminate decrease in training costs for counties, municipalities, and special districts.

According to the Department of Financial Services, implementation of this bill will result in a slight decrease in workload for the Division of the State Fire Marshal's training staff. The fiscal impact has been determined to be insignificant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.