

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** CS/HB 7095    PCB GAP 10-22    Residential Fire Sprinkler Requirements  
**SPONSOR(S):** Economic Development & Community Affairs Policy Council, Governmental Affairs Policy Committee, Schenck and others  
**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 846

	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
Orig. Comm.:	Governmental Affairs Policy Committee	13 Y, 0 N	Haug	Williamson
1)	Economic Development & Community Affairs Policy Council	14 Y, 0 N, As CS	Haug	Tinker
2)				
3)				
4)				
5)				

**SUMMARY ANALYSIS**

The Florida Building Code was authorized by the 1998 Legislature to be the sole document incorporating all building standards adopted by all enforcement agencies and state agencies that license different types of facilities. This unified code was created in response to a multiplicity of complex and confusing building codes and administrative processes that resulted in weak and inadequate compliance with local building codes across Florida.

The Florida Building Commission was created and tasked with preparing the first Florida Building Code and continues to be responsible for the amendment of the code on a triennial basis. The primary resource used by the commission in formulating the Florida Building Code is the International Residential Code (IRC).

The IRC is a comprehensive, stand-alone residential building code that creates minimum regulations for one- and two-family dwellings of three stories or less. A recent amendment to the IRC adds a requirement to install fire sprinklers in all newly constructed one- and two-family residential dwellings and townhouses effective January 1, 2011. As a result, there is an expectation that the Florida Building Commission will adopt similar standards in the 2010 edition of the Florida Building Code.

This bill amends the Florida Building Code to prohibit inclusion of the provisions of the International Residential Code mandating fire sprinklers in one- and two-family residences and townhouses either by adoption by the Florida Building Commission or local amendment.

The bill also nullifies the effect of any other provision of law, ordinance or rule, requiring the installation of fire sprinklers in single-family dwellings regardless of the use or occupancy category of such dwelling.

The bill has an effective date of July 1, 2010.

The bill does not appear to have a fiscal impact on state or local governments.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background**

##### Florida Building Code

The Florida Building Code<sup>1</sup> (Florida Building Code or code) was authorized by the 1998 Legislature<sup>2</sup> to be the sole document incorporating all building standards adopted by all enforcement agencies and state agencies that license different types of facilities. This unified code was created in response to a multiplicity of complex and confusing building codes and administrative processes that resulted in weak and inadequate compliance with local building codes across Florida.<sup>3</sup> It also was created to provide uniform predictability and accountability.<sup>4</sup> The code has created consistency of building throughout Florida and only allows for local variation of the code when there are compelling differences in local physical conditions.<sup>5</sup>

The Florida Building Commission (Florida Building Commission or commission) was created and tasked with preparing the first Florida Building Code published in 2001, and continues to be responsible for the amendment of the code on a triennial basis. The commission is comprised of 25 members who serve four year terms representing, in part, engineers, architects, contractors, building owners and insurers, state and local governments and persons with disabilities. Members are appointed by the Governor and confirmed by the Senate.<sup>6</sup>

In addition to the triennial republishing of the Florida Building Code, the commission may amend the code once each year to incorporate interpretations and update standards if it finds that such amendment:

1. Is needed in order to accommodate the specific needs of this state.
2. Has a reasonable and substantial connection with the health, safety and welfare of the general public.
3. Strengthens or improves the Florida Building Code or, in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.

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<sup>1</sup> Section 553.73, F.S.

<sup>2</sup> CS/CS/HB 4181, Enrolled (1998).

<sup>3</sup> *Id.* at 7.

<sup>4</sup> *Id.* at 8.

<sup>5</sup> Section 553.73(4)(b), F.S.

<sup>6</sup> Section 553.74, F.S.

4. Does not discriminate against materials, products, methods or systems of construction of demonstrated capabilities.
5. Does not degrade the effectiveness of the Florida Building Code.<sup>7</sup>

Local governments also may amend the code for their jurisdiction no more than once each six months. Any local amendment must address a unique local condition and be more stringent than the Florida Building Code. To ensure the criteria are met, issues of whether the amendment addresses a unique condition and is more stringent are appealable to the Florida Building Commission. Adopted local amendments are repealed or incorporated into the code every three years, upon the updating of the Florida Building Code.<sup>8</sup>

The last triennial edition of the Florida Building Code was published in 2007 and work is now underway on the 2010 code.<sup>9</sup> The scope of the commission's work includes the following:

The commission shall select from available national or international model building codes, or other available building codes and standards currently recognized by the laws of this state, to form the foundation for the Florida Building Code. The commission may modify the selected model codes and standards as needed to accommodate the specific needs of this state. Standards or criteria referenced by the selected model codes shall be similarly incorporated by reference.<sup>10</sup>

#### International Residential Code

The primary resource used by the commission in formulating the Florida Building Code is the International Residential Code (IRC). The IRC is a comprehensive, stand-alone residential building code that creates minimum regulations for one- and two-family dwellings of three stories or less. This code contains all building, plumbing, mechanical, fuel gas, energy and electrical provisions for one- and two-family residences. The IRC includes both a prescriptive approach (i.e., measures) and a performance approach (i.e., energy modeling) for determining compliance.

A recent amendment to the IRC adds a requirement to install fire sprinklers in all newly constructed one- and two-family residential dwellings and townhouses effective January 1, 2011.<sup>11</sup> As a result, there is an expectation that the Florida Building Commission will adopt similar standards in the 2010 edition of the Florida Building Code.

#### Life Safety Code

Under current law,<sup>12</sup> local governments seeking to require fire sprinklers in newly constructed one- and two-family dwelling subdivisions first must prepare an economic cost and benefit report on such subdivision. The report must:

- Consider the tradeoffs and specific cost savings and benefits of fire sprinklers.
- Include an assessment of the cost savings from any reduced or eliminated impact fees, special fire district taxes, insurance fees and any other taxes or fees imposed.
- Address what waivers will be issued reducing infrastructure requirements for roadways and the number of fire hydrants.

A failure to prepare the economic report results in the invalidation of fire sprinkler requirements for one- or two-family dwellings or any proposed subdivision. In addition, a local jurisdiction or utility may not

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<sup>7</sup> Section 553.73(8)(a), F.S.

<sup>8</sup> Section 553.73(4)(b), F.S.

<sup>9</sup> Scheduled meetings to work on revisions for 2010 are noticed on the commission's website. See [http://www.dca.state.fl.us/fbc/meetings/2\\_meetings.htm](http://www.dca.state.fl.us/fbc/meetings/2_meetings.htm)

<sup>10</sup> Section 553.73(3), F.S.

<sup>11</sup> Amendment RB64-07/08 to the International Residential Code by the International Code Council, September 21, 2008, in Minneapolis, MN.

<sup>12</sup> Section 633.025, F.S.

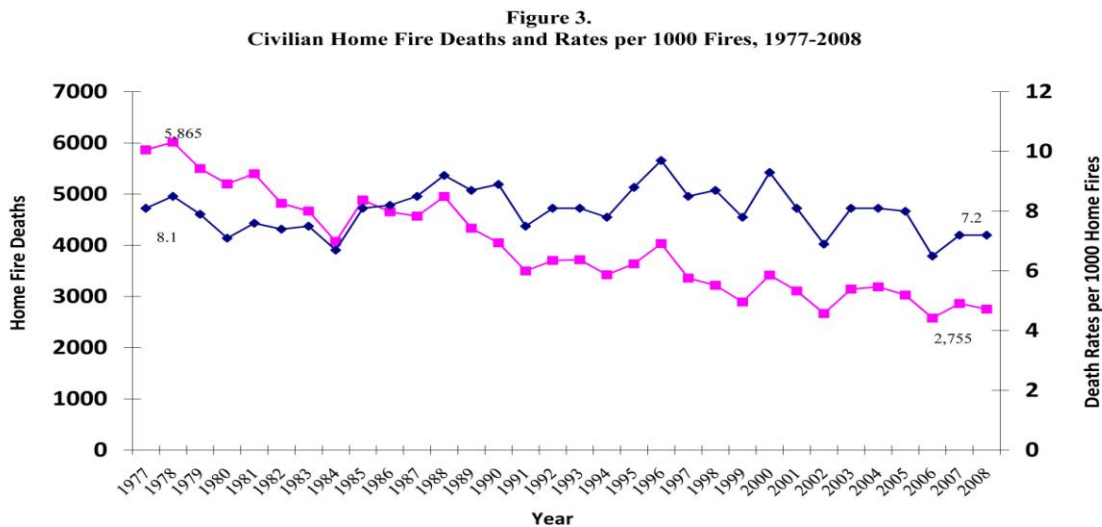
charge any additional fee, above what is charged to a non-fire sprinklered dwelling, on the basis that a one- or two-family dwelling unit is protected by a fire sprinkler system.<sup>13</sup>

Local governments seeking to impose a residential fire sprinkler requirement also must provide affected owners of any one- or two-family dwellings a letter documenting the specific infrastructure or other tax or fee allowances and waivers that will be given to offset the approximate cost of a sprinkler system.<sup>14</sup>

### Fire Sprinklers

The need for fire sprinklers in one- and two-family residences and townhouses is widely debated. Those supporting residential fire sprinklers emphasize increased safety both to life and property and those opposing residential fire sprinklers emphasize the effectiveness of smoke detectors and the costs associated with requiring residential fire sprinklers.

The following graph illustrates that both the total number of deaths and the rate of deaths associated with residential fires has decreased during the most recently documented period (1977-2008).<sup>15</sup>



The National Home Builders Research Center collected information on sprinkler costs in a nationwide survey completed by 102 builders who built 5,527 homes with fire sprinklers in 2006. The survey results show the median cost of installing fire sprinklers in the 5,527 homes (median size 2,271 square feet) was approximately \$5,573.<sup>16</sup> The average cost allocation was as follows:

Category	Median Cost
Fire Sprinkler Permit Fee	\$ 198
Fire Sprinkler Design Fee	\$ 593
Water Service Pipe Changes	\$ 866
Water Meter Changes	\$ 172
Installation Cost	\$1,829
<b>Total Median Cost to Builder</b>	<b>\$5,573</b>

<sup>13</sup> Section 633.025(9), F.S.

<sup>14</sup> Section 633.025(10), F.S.

<sup>15</sup> *Fire Loss In The United States 2008*, Michael J. Karter, Jr., National Fire Protection Association, August 2009 (Revised January 2010).

<sup>16</sup> *Fire Sprinklers and Homeowner Insurance*, Lanlan Xu, National Association of Home Builders, September 14, 2007.

Another recent report by the Fire Protection Research Foundation, which used a smaller (30) sample of homes built in different regions of the United States, showed a similar average builder cost of \$5,127 per single family home.<sup>17</sup>

### Effect of Proposed Changes

The bill amends the Florida Building Code to prohibit inclusion of the provisions of the International Residential Code (IRC Section R313)<sup>18</sup> mandating fire sprinklers in one- and two-family residences and townhouses either by adoption by the commission or local amendment. The bill also nullifies the effect of any other provision of law, ordinance or rule, requiring the installation of fire sprinklers in single-family dwellings regardless of the use or occupancy category of such dwelling.

#### B. SECTION DIRECTORY:

**Section 1.** Adds subsection (14) to section 553.73, F.S., to exclude specified sections relating to fire sprinklers in the IRC from inclusion in the Florida Building Code and prohibiting a requirement for the installation of fire sprinklers in single-family dwellings.

**Section 2.** Provides an effective date of July 1, 2010.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

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<sup>17</sup> *Home Fire Sprinkler Cost Assessment, Final Report*, Fire Protection Research Foundation, September 10, 2008.

<sup>18</sup> IRC 2009 Edition Code, Section R313 – Automatic Fire Sprinkler Systems

#### Townhouses

**R313.1 Townhouse automatic fire sprinkler systems.** An automatic residential fire sprinkler system shall be installed in townhouses.

Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

**R313.1.1 Design and installation.** Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with Section P2904.

#### One- and Two-Family Dwellings

**R313.2 One- and two-family dwellings automatic fire systems.** Effective January 1, 2011, an automatic residential fire sprinkler system shall be installed in one- and two- family dwellings.

Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system.

**R313.2.1 Design and installation.** Automatic residential fire sprinkler systems shall be designed and installed in accordance with Section P2904 or NFPA 13D.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill would prevent the addition of a provision to the Florida Building Code that, if adopted, would add costs to the construction and final retail price of one- and two-family homes and townhouses.

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to: require cities or counties to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a shared state tax or premium sales tax received by cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**

On April 7, 2010, the Economic Development & Community Affairs Policy Council adopted one amendment and reported HB 7095 favorably with council substitute. The amendment nullifies the effect of any other provision of law, ordinance or rule, requiring the installation of fire sprinklers in single-family dwellings regardless of the use or occupancy category of such dwelling.