

**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 Banking and Insurance

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BILL: CS/SB 286

INTRODUCER: Regulated Industries Committee and Senator Perry

SUBJECT: Fire Sprinklers

DATE: March 8, 2021

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kraemer</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Schrader</u>	<u>Knudson</u>	<u>BI</u>	<u>Favorable</u>
3.	_____	_____	<u>RC</u>	_____

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

PLEASE MAKE SELECTION

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**I. Summary:**

CS/SB 286, relating to fire sprinklers, revises the scope of fire protection system work for persons certified as a contractor by the Division of State Fire Marshal (Division) within the Department of Financial Services.

Under the bill, a Contractor I or a Contractor II as defined in ch. 633, F.S., relating to Fire Prevention and Control, is authorized to design new fire protection systems of 49 or fewer sprinklers. A Contractor I and II would also be allowed to design the alteration of an existing system regardless of the size of the system, if the alteration relocates or deletes 249 or fewer sprinklers. Such authorization is conditioned, however, on that occupancy and water demand, as defined in applicable codes, must be unchanged, and the occupancy hazard classification must be reduced or unchanged. The bill eliminates the authorization for a Contractor IV to similarly design or alter such fire protection systems.

The bill clarifies that a Contractor I, Contractor II, or Contractor IV is authorized to design a new fire protection system, or design the alteration of an existing fire sprinkler system, when the system meets a specified standard for installation in a one-family, two-family, or manufactured home.

The bill revises the work authorized to be undertaken by a person certified as a Contractor V. Under the bill, a Contractor V would be authorized to inspect underground piping for a water-based fire protection system only under the direction of a Contractor I or Contractor II. A

Contractor V may continue to fabricate, install, alter, repair, and service the underground piping for a water-based fire protection system.

The bill clarifies that fire protection systems include tanks providing water supply or pump fuel, and piping for such tanks.

The bill has no impact on state or local government.

The bill is effective July 1, 2021.

## II. Present Situation:

### Florida Fire Prevention Code

The State Fire Marshal, by rule, adopts the Florida Fire Prevention Code (FFPC), 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.<sup>1</sup> The State Fire Marshal adopts a new edition of the FFPC every three years.<sup>2</sup> When adopting a new edition of the FFPC, the State Fire Marshal must adopt the most recent version of the National Fire Protection Association (NFPA) Standard 1, Fire Prevention Code, and the NFPA 101 Life Safety Code.<sup>3</sup> The 7th edition of the FFPC took effect on December 31, 2020.<sup>4</sup>

Current law requires local governments to enforce the FFPC and the Florida Building Code including permitting, inspecting, and approving the installation of a fire protection system.<sup>5</sup> 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.<sup>6</sup>

### Fire Sprinkler Systems

A licensed fire protection engineer or architect, with fire protection design experience, may design any type of fire protection system.<sup>7</sup> 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.”<sup>8</sup>

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<sup>1</sup> See generally Fla. Admin. Code Ch. 69A-60 (2021).

<sup>2</sup> Section 633.202, F.S. The State Fire Marshal maintains a list of local amendments to the FFPC, available at <https://www.myfloridacfo.com/Division/SFM/bfp/LocalAmendments.htm> (last visited Feb. 23, 2021).

<sup>3</sup> *Id.* The NFPA shares information through more than 300 consensus codes and standards, research, training, education, outreach and advocacy, and by partnering with others. See the NFPA website, available at [NFPA](https://www.nfpa.org) (last visited Feb. 23, 2021).

<sup>4</sup> See Florida Fire Prevention Code, available at [Florida Fire Prevention Code Page \(myfloridacfo.com\)](https://www.myfloridacfo.com/Florida-Fire-Prevention-Code) (last visited Feb. 23, 2021).

<sup>5</sup> See generally the Florida Building Code, part IV of ch. 553, F.S., and ch. 633, F.S., relating to Fire Prevention and Control; 10.1.2 and 10.1.3 of the 7th edition of the Florida Fire Prevention Code (NFPA Standard 1).

<sup>6</sup> Section 633.312 (4), F.S.; see also 10.2.7 of the 7th edition of the Florida Fire Prevention Code (NFPA Standard 1), which provides minimum inspection frequency requirements.

<sup>7</sup> Section 633.102(3), F.S. As provided in s. 471.031, F.S., the title “fire protection engineer” may be used only by persons holding an active license as an engineer in Florida, unless exempt from licensing.

<sup>8</sup> Section 633.102(11), F.S.

The State Fire Marshal is also responsible for licensing and regulating fire system protection contractors in the state.<sup>9</sup> In order to engage in the business of laying out, fabricating, installing, inspecting, altering, repairing, or servicing a fire protection system in Florida, a person must be certified as a fire protection system contractor.

Fire protection systems are designed by licensed engineers and architects. Such systems include, but are not limited to:

- Water sprinkler and spray systems;
- Foam-water sprinkler and spray systems;
- Carbon dioxide, foam extinguishing, and dry chemical systems;
- Halon and other chemical systems used for fire protection;
- 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; and
- Tanks and pumps connected to fire sprinkler systems.<sup>10</sup>

### **Fire Protection System Contractors**

Fire protection system contractors may be certified under ch. 633, F.S., in five categories that have distinct areas of authorized work which may be undertaken by contractors certified in a particular category. In order to sit for the examination for certification as a contractor, a person must be 18 years of age, be of good moral character, and have the following respective experience:

- A Contractor I must have four years of proven experience while employed by a Contractor I, or a combination of equivalent education and experience in both water-based and chemical fire suppression systems.
- A Contractor II must have four years of verifiable employment experience with a fire protection system as a Contractor I or Contractor II, or a combination of equivalent education and experience in water-based fire suppression systems.
- A Contractor III must have four years of verifiable employment experience with a fire protection system as a Contractor I or Contractor II, or a combination of equivalent education and experience in chemical fire suppression systems.
- A Contractor IV must be licensed as a certified plumbing contractor under ch. 489, F.S., and successfully complete a training program acceptable to the State Fire Marshal of not less than 40 contact hours regarding the applicable installation standard used by the Contractor IV as described in NFPA 13D.
- A Contractor V must have been licensed as a certified underground utility and excavation contractor or certified plumbing contractor pursuant to ch. 489, F.S., have verification by a certified utility contractor or certified plumbing contractor pursuant to ch. 489, F.S., that the applicant has four years' proven experience while employed by a certified underground utility and excavation contractor or certified plumbing contractor, or have a combination of

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<sup>9</sup> Division of State Fire Marshall, *Regulatory Licensing*, <https://www.myfloridacfo.com/Division/SFM/BFP/RegulatoryLicensing/default.htm> (last visited March 7, 2021).

<sup>10</sup> Section 633.102(11), F.S.

education and experience equivalent to four years' proven experience while employed by a certified underground utility and excavation contractor or certified plumbing contractor.<sup>11</sup>

The design of fire protection systems of 49 or fewer sprinklers, and the alteration of an existing fire sprinkler system, notwithstanding the size of the system, provided that no more than 49 sprinklers are relocated, added, or deleted,<sup>12</sup> may be undertaken by persons certified as a:

- Contractor I, who have the authority to lay out, fabricate, install, inspect, alter, repair, and service all types of fire protection systems, excluding pre-engineered systems;<sup>13</sup>
- Contractor II, who have the authority to lay out, fabricate, install, inspect, alter, repair, and service water sprinkler and spray systems, foam-water sprinkler and spray systems, standpipes, and sprinkler risers, all piping integral to the system, sprinkler tank heaters, air lines, thermal systems used in connection with sprinklers, and connected tanks and pumps, excluding pre-engineered systems);<sup>14</sup> or
- Contractor IV, who have the authority to lay out, fabricate, install, inspect, alter, repair, and service automatic fire sprinkler systems for detached one-family dwellings, detached two-family dwellings, and mobile homes, excluding pre-engineered systems, and excluding single-family homes in cluster units, such as apartments, condominiums, and assisted living facilities or any building that is connected to other dwellings.<sup>15</sup>

Under current law, a person certified as a Contractor V is limited to the ability to fabricate, install, inspect, alter, repair, and service the underground piping for a water-based fire protection system using water as the extinguishing agent beginning at the point of service as defined in this act and ending no more than one foot above the finished floor.<sup>16</sup>

One category of fire protection system contractors, Contractor III, does not engage in work involving fire sprinklers. Instead, a Contractor III 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.<sup>17</sup>

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

The bill revises the scope of fire protection system work for persons certified as a contractor by the Division.

The bill revises the work authorized to be undertaken by a person certified as a Contractor V. Under the bill, a Contractor V may only inspect, alter, repair, and service underground piping for a water-based fire protection system when under the direction of a Contractor I or Contractor II. The bill maintains current law allowing a Contractor V to fabricate, install, alter, repair, and

<sup>11</sup> Section 633.318(3), F.S. *See also* Fla. Admin. Code R. 69A-46.010 (2021).

<sup>12</sup> Section 633.102(3), F.S.

<sup>13</sup> Section 633.102(3)(a), F.S.

<sup>14</sup> Section 633.102(3)(b), F.S.

<sup>15</sup> Section 633.102(3)(d), F.S.

<sup>16</sup> Section 633.102(3)(3), F.S.

<sup>17</sup> *See s.* 633.102(3)(c), F.S.

service the underground piping for a water-based fire protection system from the point of service to one foot above the finished floor of a building.<sup>18</sup>

The bill also creates a new authorization for a Contractor I or a Contractor II to design the alteration of an existing system, if said alteration:

- Entails the relocation or deletion of 249 or fewer sprinklers, notwithstanding the size of the existing system;
- Requires no change in occupancy, as defined in the Florida Building Code and the FFPC,<sup>19</sup> and no change in water demand as defined in National Fire Protection Association Publication (NFPA) No. 13;<sup>20</sup> and
- The occupancy hazard classification, as defined in NFPA No. 13,<sup>21</sup> is reduced or remains the same after the alteration.

The bill eliminates the authorization in current law for a Contractor IV to design fire protection systems of not more than 49 sprinklers, and to design the alteration of an existing fire sprinkler system when the alteration relocates, adds, or deletes not more than 49 sprinklers.

The bill clarifies that a Contractor I, Contractor II, or Contractor IV is authorized to design a new fire protection system, or design the alteration of an existing fire protection system, the scope of which complies with NFPA 13D, “Standard for the Installation of Sprinkler Systems in One and Two-Family Dwellings and Manufactured Homes,” as adopted by the State Fire Marshal, notwithstanding the number of fire sprinklers.

The bill amends the definition of “fire protection system” to include tanks providing water supply or pump fuel, including piping for such tanks. This would allow fire sprinkler contractors to install fuel supply pumping for fire pumps.

The bill is effective July 1, 2021.

#### **IV. Constitutional Issues:**

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

None.

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<sup>18</sup> Section 633.102(3)(e), F.S.

<sup>19</sup> See International Code Counsel, *Florida Building Code* ch. 3, available at: <https://codes.iccsafe.org/content/FLBC2020P1/chapter-3-use-and-occupancy-classification> (last visited March 7, 2021), and Division of State Fire Marshal, *Florida Fire Prevention Code* ch. 20 available at <https://www.nfpa.org/codes-and-standards/all-codes-and-standards/codes-and-standards/free-access?mode=view> (last visited March 7, 2021).

<sup>20</sup> NFPA 13 is titled “Standard for the Installation of Sprinkler Systems” and is available for download here: <https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=13> (last visited March 7, 2021, registration required).

<sup>21</sup> See NFPA, *Step 1 How Much Water is Needed*, available at [https://www.nfpa.org/assets/gallery/firewise/operationWater/step1\\_3.htm](https://www.nfpa.org/assets/gallery/firewise/operationWater/step1_3.htm) (last visited Feb. 23, 2021), indicating an occupancy hazard classification is calculated as part of determining the minimum water needed to fight a structural fire. No hazard classification is assigned when a building has a properly installed automatic sprinkler system.

**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:**

The bill authorizes persons certified as a Contractor I or Contractor II to design the alteration of an existing system regardless of the size of the system, if the alteration relocates or delete 249 or fewer sprinklers. The authorization to do this type of work is expanded for persons certified as a Contractor I or Contractor II, which may impact others who have previously undertaken such design work, such as engineers and architects.

Under the bill, persons certified as a Contractor V may contract for work involving the inspection, alteration, repair, and servicing of underground piping for a fire protection system only if they are under the direction of persons certified as a Contractor I or Contractor II. The requirement imposed by the bill may result in decreased opportunities for work for a Contractor V.

**C. Government Sector Impact:**

According to the Department of Financial Services, there is no impact to state or local government.<sup>22</sup>

**VI. Technical Deficiencies:**

None.

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<sup>22</sup> See 2021 Agency Legislative Bill Analysis (Department of Financial Services) for SB 286, Feb. 8, 2021 (on file with Senate Committee on Regulated Industries) at page 2.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 633.102 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 on March 1, 2021:**

The committee substitute:

- Provides that a Contractor I or a Contractor II may design a new fire protection system and design an alteration to an existing system provided:
  - 249 or fewer sprinklers will be relocated or deleted;
  - Occupancy requirements in the Florida Building Code or the Florida Fire Protection Code remain unchanged; and
  - The occupancy hazard code classification is reduced or remains the same;
- Clarifies that a Contractor I or Contractor II is authorized to design a new fire protection system, or design the alteration of an existing fire sprinkler system, when the system meets a specified standard for installation in a one-family, two-family, or manufactured home;
- Eliminates the authorization in current law for a Contractor IV to design fire protection systems, and to design the alteration of an existing system, with 49 or fewer sprinklers;
- Requires a Contractor V to be under the direction of a Contractor I or a Contractor II for inspection of underground piping for a water-based fire protection system; and
- Clarifies that fire protection systems include tanks providing water supply or pump fuel, and piping for such tanks, to allow fire sprinkler contractors to install fuel supply pumping for fire pumps.

**B. Amendments:**

None.