

**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 Community Affairs Committee

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BILL: SB 1136

INTRODUCER: Senator Crist

SUBJECT: Firesafety Inspections

DATE: February 1, 2010

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Howes	Yeatman	CA	<b>Favorable</b>
2.			BI	
3.			GA	
4.				
5.				
6.				

**I. Summary:**

Senate Bill 1136 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 perform fire hydrant inspections with employees that have not been certified by the State Fire Marshal. However, the county, municipal and special district utilities are responsible for ensuring that the designated employees are qualified to perform such inspections.

**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). Under ch. 633, F.S., the Division is authorized 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 firesafety responsibilities." Subsection (2) of the statute states that each such municipality, county, and special district "shall enforce the Florida Fire Prevention Code and the Life Safety Code as the minimum firesafety code required by this section." Since the code incorporates the National Fire Prevention Association annual inspection requirements for

fire hydrants, the municipality, county, and special district may enforce the provisions of the code, including the annual inspection of 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 firesafety enforcement responsibilities shall employ or contract with a firesafety inspector. The firesafety inspector must conduct all firesafety inspections that are required by law." Every firesafety inspection conducted shall be 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, using the nationally recognized inspection, testing, and maintenance standard NFPA-24 and NFPA-25 adopted by the State Fire Marshal. It requires quarterly, annual, three-year, and five-year inspections. A copy of the inspection report must be provided to the building owner and to the local 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:**

**Section 1** amends s. 633.081, F.S., to provide an exception for certain local government fire safety requirements. (See Section 2)

**Section 2** amends s. 633.082, F.S., to allow fire safety inspectors, who are employees of local governmental units including special districts, to follow maintenance standards published in NFPA-24 and NFPA-25 which have been adopted by the State Fire Marshal or equivalent standards such as those outlined in the latest edition of the American Water Works Association's Manual M17, "Installation, Field Testing and Maintenance of Fire Hydrants."

The bill also allows fire safety inspectors, who are employees of local governmental units including special districts, to perform inspections on fire hydrants under their control without being certified as having met the inspection training requirements by the State Fire Marshal.

However, this bill provides that if a local government or special district uses such designated employees they are responsible for ensuring that the employees are qualified to perform such inspections.

**Section 3** provides for an effective date of July 1, 2010.

**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:****C. Government Sector Impact:**

This bill eliminates the mandate that all fire safety inspectors employed by local governments receive special training from the State Fire Marshal prior to performing fire safety inspection. This may cause a decrease in their training costs; however, the amount is undeterminable at this time.

**VI. Related Issues:**

None.

**VII. 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.