

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 629

Firesafety Inspections

SPONSOR(S): Burgin

TIED BILLS:

IDEN./SIM. BILLS: SB 1136

| | REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|----|--|-----------|---------|----------------|
| 1) | Insurance, Business & Financial Affairs Policy Committee | 13 Y, 0 N | Vickroy | Cooper |
| 2) | Military & Local Affairs Policy Committee | | Fudge | Hoagland |
| 3) | General Government Policy Council | | | |
| 4) | | | | |
| 5) | | | | |

SUMMARY ANALYSIS

In 2006, legislation was passed to ensure that all privately-owned fire hydrants would be inspected and maintained by a certified firesafety inspector or fire protection contractor. The catalyst for the legislation was a lack of standards for maintenance and inspection of privately-owned hydrants. Fire departments were encountering broken or malfunctioning hydrants, resulting in additional property loss in the event of a fire.

However, the resulting legislation created ambiguity as to whether public utilities could continue to designate a certified employee to perform inspections of their fire hydrants, as had traditionally been the case. Before the 2006 legislation, public utilities could either contract for a certified firesafety inspector or fire protection contractor to perform fire hydrant inspections, or designate a properly qualified employee to perform such inspections. Designating an employee has generally provided some cost savings to the public utility.

The bill provides that public utilities may designate properly qualified employees to perform fire hydrant inspections. It also states that such employees may inspect fire hydrants in accordance with either the standard adopted by the State Fire Marshal, or the American Water Works Association (AWWA), a standard considered to meet and exceed that which has been adopted by the State Fire Marshal.

The bill may result in some cost savings to public utilities that will not have to contract for a firesafety inspector to perform fire hydrant inspections.

The bill takes effect upon becoming law.

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:

The Division of State Fire Marshal (Division), among other responsibilities, establishes the standards and qualifications of firesafety inspectors¹ and fire protection system contractors,² as well as adopts and updates the Florida Fire Prevention Code (FFPC).³ The FFPC provides that fire hydrants must be inspected, tested, and maintained on an annual basis.⁴ It also provides that the Division has the right to inspect any fire hydrant to determine if it meets the standards of the FFPC.⁵ However, it is not the responsibility of the Division to inspect each private and public fire hydrant annually to ensure compliance with the FFPC.

As the result of problems with privately-owned fire hydrants not being properly maintained, 2006 legislation created an affirmative duty on private fire hydrant owners to ensure their fire hydrants are maintained and inspected in accordance with the FFPC.⁶

Thus, privately-owned fire hydrants are required to be inspected by a person certified as a firesafety inspector.⁷ In addition, private hydrant owners must ensure that their hydrants are maintained between inspections.⁸ Fire protection system contractors may be utilized for this purpose. A firesafety inspector is an individual who conducts firesafety inspections on a recurring basis on behalf of the state or any local government with firesafety responsibilities.⁹ Similarly, a fire protection system contractor is an individual who contracts with a person or entity to lay out, fabricate, install, inspect, alter, repair, or service certain kinds of fire protection systems, depending on the type of permit issued by the Division.¹⁰ Fire hydrants are one type of fire protection system.¹¹

¹ Section 633.01(3), F.S.

² Section 633.01(2)(c)(2), F.S.

³ Section 633.025(1), F.S.

⁴ Section 633.082(2), F.S.

⁵ Section 633.082(1), F.S.

⁶ See section 633.082(2), F.S.; see also Ch. 2006-65, The Laws of Florida.

⁷ See section 633.082(2), F.S.; see also section 633.521, F.S.

⁸ F.A.C. 69A-46.041(9).

⁹ Section 633.021(10), F.S.

¹⁰ Section 633.021(5)(a)-(e), F.S.

¹¹ Section 633.021(9), F.S.

In contrast, publically-owned fire hydrants have traditionally been permitted to be inspected by a designated and qualified employee, instead of a fire protection system contractor, or firesafety inspector. However, as a result of the legislation creating an affirmative duty on private fire hydrant owners, it is somewhat unclear if publically-owned hydrants may continue to be inspected by designated and qualified employees.

Changes Proposed by the Bill:

The bill provides that while privately-owned fire hydrants must be inspected by a firesafety inspector, publically-owned fire hydrants may be inspected by a designated and qualified employee. However, if a local government or special district uses such designated employees, it is responsible for ensuring that the employees are qualified to perform such inspections.

The bill also provides that such employees may inspect fire hydrants using the standard adopted by the State Fire Marshal¹² or those adopted by the American Water Works Association (AWWA), a standard considered to meet and exceed the standard adopted by the State Fire Marshal. Thus, publically-owned fire hydrants may be subject to two different inspection standards.

B. SECTION DIRECTORY:

Section 1 clarifies that inspections conducted pursuant to local and state requirements and that are performed under section 633.081, F.S., do not include inspections required to be performed by section 633.082(2), F.S.

Section 2 provides that county, municipal, and special district utilities may perform fire hydrant inspections using their own designated employees. It also requires such inspections to be conducted in accordance with either the standards adopted by the State Fire Marshal, or the AWWA.

Section 3 provides that the bill will take effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill may result in indeterminate cost savings associated with the public utility designating an employee to perform inspections rather than contracting with an outside source for fire hydrant inspections.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

¹² This would be the standard set out in the National Fire Protection Association's (NFPA) national standards. In the case of fire hydrant inspection, NFPA-24 and 25 are the applicable chapters.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities 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 state tax shared with 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