

**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 Community Affairs Committee

**BILL:** CS/CS/CS/SB 846

**INTRODUCER:** Banking and Insurance, Community Affairs and Regulated Industries Committees and Senator Bennett

**SUBJECT:** Residential Fire Sprinkler Requirements

**DATE:** April 14, 2010      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harrington</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Gizzi</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/CS</u>
3.	<u>Burgess</u>	<u>Burgess</u>	<u>BI</u>	<u>Fav/CS</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

Section R313 of the 2009 Residential International Code currently requires the installation of automatic fire sprinkler systems in newly constructed one-family and two-family residential dwellings and townhouses effective January 1, 2011.

This committee substitute to committee substitute to committee substitute (CS/CS/CS) provides that provisions in s. R313 of the most recent version of the International Residential Code relating to mandatory fire sprinklers shall not be included in the Florida Building Code or adopted as a local amendment to the code. The CS/CS/CS clarifies that this provision does not apply to a local government that has lawfully adopted ordinances relating to fire sprinklers that has been in effect since January 1, 2010.

The CS/CS/CS also prohibits a local government from requiring a property owner to install fire sprinklers in any residential property based on its use or reclassification as a rental property.

This CS/CS/CS substantially amends the following sections of the Florida Statutes: 553.73 and 633.025.

## II. Present Situation:

### Florida Building Code

The Florida Building Code (code) was adopted into Part IV of ch. 553, F.S., to develop a uniform state building code that succeeded local building standards throughout the state beginning in March of 2002.<sup>1</sup> The code is adopted by the Florida Building Commission and is updated on a triennial basis in response to national and international model building code trends.<sup>2</sup> The last triennial edition of the code was published in 2007; however, the commission is currently working on the 2010 edition.<sup>3</sup>

The 2007 Florida Building Code is divided into the following eight volumes: Building, Residential, Existing Building, Plumbing, Fuel Gas, Mechanical, Test Protocols for High-Velocity Hurricane Zones, and Energy.<sup>4</sup>

### Florida Building Commission

The Florida Building Commission (commission) is located within the Department of Community Affairs (DCA) and consists of 25 members that are appointed by the Governor and confirmed by the Senate.<sup>5</sup> The commission is responsible for adopting, enforcing, and updating the code by rule, as a single, unified state building code so as to provide effective and reasonable protection for the public safety, health and welfare.<sup>6</sup>

The commission is also authorized to use the rule adoption procedures listed under ch. 120, F.S., to approve annual technical amendments to the building code if the commission determines that such amendment:

- Is needed in order to accommodate specific state needs;
- Has a reasonable and substantial connection to the health, safety, and general welfare of the public;
- Strengthens or improves the Florida Building Code, or will provide equivalent or better products, methods, or systems of construction in regards to innovation or new technology;
- Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities; and
- Does not degrade the effectiveness of the Florida Building Code.<sup>7</sup>

Local governments may amend the building code for their jurisdiction once every six months to address unique local conditions, so long as the amendment is more stringent than the code and it meets the statutory requirements provided in s. 553.73(4)(b), F.S.<sup>8</sup> Local amendments are only

<sup>1</sup> Chapter 98-419, L.O.F.

<sup>2</sup> See ss. 553.73(3) and 553.77(1)(b), F.S.

<sup>3</sup> Scheduled meetings to work on revisions for the 2010 code are noticed on the commission's website available at [http://www.dca.state.fl.us/fbc/meetings/2\\_meetings.htm](http://www.dca.state.fl.us/fbc/meetings/2_meetings.htm) (last visited on March 15, 2010).

<sup>4</sup> THE 2007 FLORIDA BUILDING CODE ONLINE, available at [http://www2.iccsafe.org/states/florida\\_codes/](http://www2.iccsafe.org/states/florida_codes/) (last visited on March 30, 2010). See also Department of Community Affairs, *Senate Bill Analysis 846* (Feb. 11, 2010) (on file with the Senate Committee on Community Affairs).

<sup>5</sup> Section 553.74(1), F.S.

<sup>6</sup> Sections 553.73 and 553.74, F.S.

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

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

effective until the triennial update of the code, at which point they are either repealed or incorporated into the new edition of the code.<sup>9</sup>

### **International Residential Code**

The International Residential Code (IRC) is the primary resource used by the commission in formulating the Residential volume of the building code.<sup>10</sup> The IRC is a comprehensive, stand-alone residential building code that creates minimum regulations for one-family and two-family dwellings that are three stories or less. The provisions of the IRC serve as a base for the Residential building code provisions addressing building, plumbing, mechanical, fuel gas, energy and electrical standards for one-family and two-family dwellings that are three stories or lower.

On September 21, 2008, the International Code Council adopted amendment RB64-07/08 to the 2009 version of the IRC. This amendment requires the installation of fire sprinklers in all newly constructed one-family and two-family residential dwellings and townhouses in accordance with the National Fire Protection Association Standard 13D, effective January 1, 2011. The commission has stated that the proposed 2010 building code will utilize the 2009 International Building Codes as a foundation, including the 2009 International Residential Code, containing this new amendment.<sup>11</sup>

### **Life Safety Code**

The Life Safety Code operates in conjunction with the Residential volume of the building code. Section 633.025(9), F.S., prohibits the local government from enacting fire sprinkler requirements in newly constructed one-family and two-family dwellings unless it provides an economic cost and benefit report prior to implementing the mandate. The local government's failure to prepare this report results in the invalidation of the fire sprinkler requirement. The local jurisdiction or utility is also prohibited from charging an additional fee to one-family or two-family dwelling units that are protected by a fire sprinkler system that is above the amount charged to non-fire sprinklered dwellings.<sup>12</sup>

Subsection (10) of s. 633.025, F.S., further provides that a local government seeking to impose a residential fire sprinkler requirement on any one-family or two-family dwelling must provide the affected owner with a letter documenting the specific infrastructure, or other tax or fee allowances and waivers that will be given to offset the approximate cost of the fire sprinkler system.<sup>13</sup>

### **Fire Sprinkler Requirements**

“Fire Sprinklers [or Automatic Sprinkler Systems] are commonly used as primary fire extinguishing systems in commercial buildings and multiple-family dwellings.”<sup>14</sup>With the

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<sup>9</sup> Section 553.73(4)(b)6., F.S.

<sup>10</sup> See s. 553.73(3), F.S. The commission is required to select from available national and international codes to form the foundation of the building code.

<sup>11</sup> Department of Community Affairs, *Senate Bill Analysis 846* at 2 (Feb. 11, 2010) (on file with the Senate Committee on Community Affairs). This is discussed in further detail below.

<sup>12</sup> Section 633.025(9), F.S.

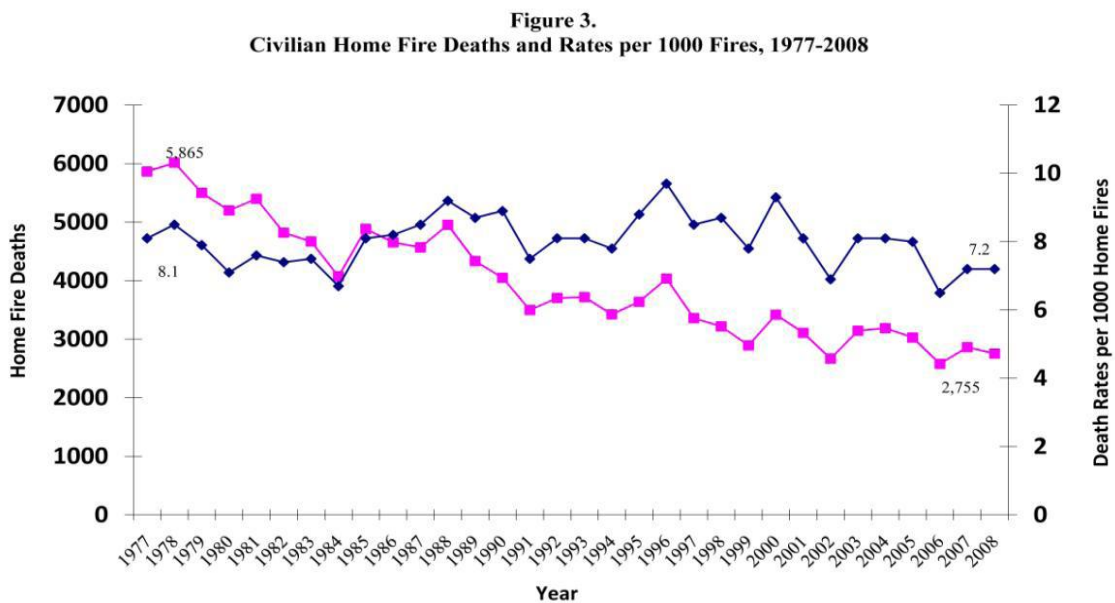
<sup>13</sup> Section 633.025(10), F.S.

<sup>14</sup> Department of Community Affairs, *Senate Bill Analysis 846* at 1 (Feb. 11, 2010) (on file with the Senate Committee on Community Affairs) (stating that Fire Sprinklers are known as Automatic Sprinkler Systems in the construction industry).

exception of one-family or two-family dwellings, s. 553.895(2), F.S., requires any building three stories or higher that is constructed after January 1, 1994, to be equipped with an automatic fire sprinkler.<sup>15</sup>

According to the Department of Community Affairs, s. R313 in the Residential volume of the building code, does not currently contain any provision addressing the application of automatic sprinkler systems in one-family and two-family dwellings. Instead, R313 only provides requirements for fire smoke and carbon monoxide alarms.<sup>16</sup> “On the other hand, [s]ection R324 of the current [c]ode provides for sprinkler provisions specific to town homes that are three or more stories tall and consist of three or more units.”<sup>17</sup>

According to the National Fire Protection Association, residential fires in 2008 resulted in 2,755 deaths, which is the third lowest number of residential fire deaths since 1977.<sup>18</sup> The following graph illustrates the total number of residential fire related deaths that occurred from 1977 to 2008:



Source: NFPA Survey of Fire Departments (1977-2008)

In 2008, the State Fire Marshal’s Office reported 126 civilian deaths in the state of Florida as a result of residential fires.<sup>20</sup>

<sup>15</sup> Section 553.895(2), F.S. See also s. 509.215, F.S., requiring any public lodging establishment that is three stories or higher or any building over 75 feet with direct access from the guest area to exterior means of egress and for which the construction contract has been let after September 30, 1983, to be equipped with an automatic sprinkler system in compliance with the National Fire Protection Association publication NFPA No. 13.

<sup>16</sup> Department of Community Affairs, *Senate Bill Analysis 846* at 2 (Feb. 11, 2010) (on file with the Senate Committee on Community Affairs).

<sup>17</sup> *Id.*

<sup>18</sup> KARTER, MICHAEL J. JR., NATIONAL FIRE PROTECTION ASSOCIATION, FIRE LOSS IN THE UNITED STATES 2008 at 7 (Revised Jan. 2010), available online at [http://www.nfpa.org/assets/files/pdf/os\\_fireloss.pdf](http://www.nfpa.org/assets/files/pdf/os_fireloss.pdf). (last visited on March 31, 2010).

<sup>19</sup> *Id.* at 8 (Civilian Home Fire Deaths and Rates per 1,000 Fires (1977-2008)).

<sup>20</sup> Email from Julius Halas, Director, Department of Financial Services, State Fire Marshal (April 1, 2010) (on file with the Senate Committee on Community Affairs). This report was based on statistical data to the FFIRS, from the Department of

The commission has stated that the proposed 2010 building code will utilize the 2009 International Building Codes as a foundation, which will also include the 2009 International Residential Code requirements mandating the installation of sprinkler systems in one-family and two-family dwellings. The language in s. R313 of the 2009 IRC Code provides:

- **R313.1 Townhouse automatic fire sprinkler systems.** An automatic residential fire sprinkler system shall be installed in townhouses. Except that automatic fire sprinkler systems shall not be required when additions or alterations are made to existing townhouses that do not have residential fire sprinkler systems installed.
- **R313.2 One-family and two-family dwellings automatic fire systems.** An automatic residential fire sprinkler system shall be installed in one-family and two-family dwellings. Except that an automatic 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.

### III. Effect of Proposed Changes:

**Section 1** adds subsection (14) to s. 553.73, F.S., to prohibit the inclusion of s. R313 of the most current version of the International Residential Code (IRC) which mandates fire sprinkler requirements for one-family and two-family dwellings, from being adopted into the Florida Building Code by the Florida Building Commission or as a local government amendment to the code. This subsection does not apply to a local government that has lawfully adopted ordinances relating to fire sprinklers which have been in effect since January 1, 2010.

**Section 2** adds subsection (11) to s. 633.025, F.S., to provide that a property owner shall not be required to install fire sprinklers in any residential property based on its use, change in use, or reclassification as a rental property.

**Section 3** states that the provisions of this act shall take effect 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:

The provisions of this CS/CS/CS would save home builders costs associated with the installation of fire sprinkler systems in residential one-family and two-family homes and townhouses.

According to a 2007 survey conducted by the National Home Builders Research Center (center), the median cost for a fire sprinkler system at that time was approximately \$5,573 per home.<sup>21</sup> The average cost allocation was determined based on the following figures:

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

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The center also pointed out that there may be subsequent savings to offset, at least to some extent, the initial cost. The most significant subsequent cost reduction to the property owner is likely to be through insurance premium discounts.

Florida Statutes require that insurance for a structure, whether commercial or residential, must provide a premium discount if a fire sprinkler system is installed in the building. Section 627.0654(1), F.S., states:

Any rates, rating schedules, or rating manuals for a new or renewal fire insurance policy for an existing or newly constructed building, whether used for commercial or residential purposes, must provide for a premium discount if a fire sprinkler system has been installed in the building in accordance with nationally accepted fire sprinkler design standards, as adopted by the department, and if the fire sprinkler system is maintained in accordance with nationally accepted standards.

The statute does not specify the amount of discount that must be applied, but the survey performed by the center indicates that the largest private insurance companies in Florida offer discounts ranging from 7 - 16% for Class A sprinkler systems (automatic sprinklers in all areas) and from 4 – 9% for Class B systems (automatic sprinklers may be omitted

<sup>21</sup> XU, LANLAN, NATIONAL ASSOCIATION OF HOME BUILDERS, FIRE SPRINKLERS AND HOMEOWNER INSURANCE (Sept. 14, 2007) (This study was based on 102 builders building a total of 5,527 homes).

<sup>22</sup> *Id.*

in bathrooms, attics, closets or attached structures). The premium discount is normally applied to the base premium, so the actual dollar effect will depend on the amount of the premium, as well as the percentage discount offered by the insurer.

**C. Government Sector Impact:**

This CS/CS/CS would prohibit the Florida Building Commission from incorporating the provisions of s. R313 of the most current version of the International Residential Code (IRC) into the Florida Building Code. The bill would also prohibit local governments from adopting these provisions into the code through local amendments unless it has already lawfully adopted an ordinance that has been in effect since January 1, 2010.

The CS/CS/CS would also provide that a property owner shall not be required to install fire sprinklers in any residential property based solely on the use, change in use, or reclassification of such property as a rental property.

**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.)

**CS/CS/CS by Banking and Insurance Committee on April 13, 2010:**

This CS/CS/CS amends the new subsection (11) of s. 633.025, F.S., to provide that property owners shall not be required to install fire sprinklers in any residential property based on its use, change in use, or reclassification as a rental property. Prior to this amendment, the subsection prohibited a local government from imposing the requirement on a property owner; the amendment prohibits any entity from requiring a property owner to install fire sprinklers in any residential property based on its use, change in use, or reclassification as a rental property.

**CS/CS by Community Affairs on April 7, 2010:**

This CS/CS amends subsection (14) to provide that this subsection does not apply to a local government that has lawfully adopted ordinances relating to fire sprinklers which has been in effect since January 1, 2010.

The CS/CS also creates a new subsection (11), to prohibit local governments from requiring property owners to install fire sprinklers in any residential property based on the use, change in use, or reclassification of such property as a rental property.

**CS by Regulated Industries on March 24, 2010:**

This Committee Substitute (CS) clarifies the provision that may not be included in the Florida Building Code to be s. R313 of the most current version of the International Residential Code (IRC), related to mandated fire sprinkler requirements.

**B. Amendments:**

None.