



THE TREASURER OF THE STATE OF FLORIDA
DEPARTMENT OF INSURANCE

BILL NELSON

March 15, 1999

Mr. Thomas R. Wood, Assistant Chief
Fire & Life Safety Division
2333 West Glades Road
Boca Raton, Florida 33431-7311

Dear Mr. Wood:

An informational workshop was conducted to gain public input on the issue of emergency forces notification. An interpretation was previously issued by this office regarding the subject. The following position and explanation is the result of the workshop and considerable input from other sources.

Questions

Two questions generally appear to have been presented:

1. *Where emergency forces notification is required, may the authority having jurisdiction (the local authority enforcing the fire laws and rules) require that any one or more of the four options stated in NFPA 101, Standard 7-6.4, be used?*
2. *If the authority having jurisdiction requires one or more of the four options in Standard 7-6.4, may it require that the procedure be listed?*

Responses

1. Yes.
2. Yes, but only for option (b), of Standard 7-6.4, for a "listed" central station.

Discussion

Question 1, Where emergency forces notification is required, may the authority having jurisdiction (the local authority enforcing the fire laws and rules) require that any one or more of the four options stated in NFPA 101, Standard 7-6.4, be used?

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Rule Section 4A-48.008, F.A.C., requires that automatic emergency forces notification be installed and operated in accordance with the applicable NFPA standards adopted in Rule Section 4A-3.012.¹ The fact that the words "acceptable to the authority having jurisdiction" are not in Rule Section 4A-48.008, F.A.C., is meaningless. Those words do not have to be in 4A-48.008, because 4A-48.008 requires compliance, in total, with the standard adopted in 4A-3.102.²

By adopting the entire NFPA 101, Life Safety Code, without change to NFPA 7-6.4, all of the provisions of 7-6.4 were adopted. §7-6.4, in turn, provides that the authority having jurisdiction may accept any of the four systems or connections contained therein.

Standard 7-6.4 of NFPA 101, states:

7-6.4 Emergency Forces Notification Where required by another section of this Code emergency forces notification shall be provided to alert the municipal fire department and fire brigade (if provided) of fire or other emergency.

Where fire department notification is required by another section of this Code, the fire alarm system shall be arranged to transmit the alarm automatically via any of the following means acceptable to the authority having jurisdiction and in accordance with NFPA 72, National Fire Alarm Code:

- (a) An auxiliary alarm system, or
- (b) A central station connection, or
- (c) A proprietary system, or
- (d) A remote station connection.

Exception: Where none of the above means of notification is available, a plan for notification of the municipal fire department acceptable to the authority having jurisdiction shall be provided.

There is no conflict between any of the above provisions. Furthermore, none of the above provisions amends or changes any other of the above provisions. The net result is that §7-6.4 is adopted in its entirety, without change or modification.

¹ Rule Section 4A-48.008, Florida Administrative Code, states:

Automatic emergency forces notification and any type of monitoring of fire alarm signals shall be installed and operate in accordance with the applicable NFPA standards adopted in Rule 4A-3.012(1), Florida Administrative Code.

² Rule Section 4A-3.012(1), Florida Administrative Code, states:

Except as specifically modified by statute or by the State Fire Marshal's Rules, NFPA 101, Life Safety Code, 1994 edition, is hereby adopted and incorporated by reference as a part of the uniform fire safety standards adopted by rule by the State Fire Marshal. In addition, the following standards, as referenced in Chapter 31 of NFPA 101, 1994 edition, except as specifically modified in the rule chapters in Title 4A, are hereby adopted and incorporated by reference and shall take effect on the effective date of this rule, as a part of the uniform fire safety standards adopted by rule by the State Fire Marshal:

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Therefore, where fire department notification is required by another section of the (Life Safety) Code, 7-6.4 requires that it be made in one (or more) of the four ways indicated therein which is acceptable to the authority having jurisdiction. The "authority having jurisdiction" is the local authority enforcing the fire laws and rules.

Question 2, If the authority having jurisdiction requires one or more of the four options in Standard 7-6.4, may it require that the procedure be listed?

The definitions under Section 7-6.4 (and NFPA 72 1993 Handbook Edition Chapter 4-3, at Page 121, which has also been adopted by administrative rule), provide direction for Fire Alarm Systems. The definition under option (b), the Central Station Fire Alarm System, provides for "a listed central station...."

Therefore, requiring a "listed" central station service is permissible, since that kind of system comes under subparagraph (b) of 7-6.4. Because none of the other options under 7-6.4, which consist of (a) an auxiliary alarm system, (c) a proprietary system, or (d), a remote station connection, provide for "listing," the authority having jurisdiction may not require listing for any other options (i.e., (a), (c), or (d)). If the authority having jurisdiction did, it would be in violation of the proscription in Section 633.022(2)(b), Florida Statutes, which states:

A local authority may not require more stringent uniform firesafety standards with respect to buildings or structures subject to such standards except as provided in paragraph (c) [not applicable].

To summarize, therefore:

The local authority has the option of requiring any one or more of the four choices in 7-6.4. If the local authority selects option (b), the central station connection, the requirement is that those connections be listed. Listing cannot be required for any other option [(a), (c), or (d)] because to require it would violate Section 633.022(2)(b), Florida Statutes.

Please note that the information contained in this letter is my own opinion. While it is based on my knowledge and experience with the Division of State Fire Marshal, it is not necessary the official position or interpretation of the State Fire Marshal.

To obtain the official position or interpretation of the State Fire Marshal, you may file a Petition for Declaratory Statement. Enclosed are copies of (1) Section 120.565, Florida Statutes, and (2) Rule 28-105.003, Florida Administrative Code. If you request a Declaratory Statement, please be sure to follow the instructions in Rule 28-105.002, "The Petition." The address of the Agency

Clerk is:
 Agency Clerk
 Department of Insurance
 612 Larson Building
 200 East Gaines Street
 Tallahassee, Florida 32399-0300

Sincerely,

