

## Notice of Proposed Rule

### DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

#### RULE NOS.:RULE TITLES:

69A-73.001 Definitions and Application of Chapter

69A-73.002 Energy Storage Systems

69A-73.003 Powered Micromobility Devices

69A-73.004 Protective Systems and Designs

69A-73.005 Storage of Wrecked or Inoperable Electric Vehicles

69A-73.006 Parking or Storage of Electric Vehicles within a Coastal A Zone During a Hurricane or Tropical Storm Warning with Potential Storm Surge Threats

**PURPOSE AND EFFECT:** The rulemaking will establish uniform firesafety standards for energy storage systems, which is intended to protect the public health, safety, and welfare.

**SUMMARY:** The proposed rulemaking establish uniform firesafety standards for systems that store energy, including batteries in electric vehicles and powered micromobility devices.

#### SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department conducted a regulatory analysis to determine if there is an adverse impact or regulatory costs associated with this rule that exceeds the criteria in section 120.541(2)(a), F.S. Based upon this analysis, and s. 120.541, F.S., the Department has determined that the proposed rule is not expected to require legislative ratification.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

**RULEMAKING AUTHORITY:** 633.206, FS.

**LAW IMPLEMENTED:** 633.206, FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Elijah Flowers, 200 East Gaines Street, Tallahassee, Florida 32399, (850)413-3731.

**THE FULL TEXT OF THE PROPOSED RULE IS:**

#### **69A-73.001 Definitions and Application of Chapter.**

(1) Application of Chapter: The provisions outlined in the Florida Fire Prevention Code, incorporated in Chapter 69A-60, F.A.C., shall be applicable to all elements of this rule chapter concerning code and administrative provisions that are not specifically addressed in this rule chapter.

#### (2) Definitions:

(a) Approved- Acceptable to the authority having jurisdiction.

(b) Authority Having Jurisdiction (AHJ)- An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.

(c) Battery- One or more cells connected together electrically in series, parallel, or both, to provide the required operating voltage and current levels.

(d) Electric Vehicle (EV)- An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, and electric motorcycles, primarily powered by an electric motor that

draws current from a rechargeable storage battery, fuel cell, photovoltaic array, or other source of electric current. Plug-in hybrid electric vehicles (PHEV) are electric vehicles having a second source of motive power.

(e) Electric Vehicle Power Export Equipment (EVPE)- The equipment, including the outlet on the vehicle, that is used to provide electrical power at voltages greater than or equal to 30 Vac or 60 Vdc to loads external to the vehicle, using the vehicle as the source of supply.

(f) Electric Vehicle Supply Equipment (EVSE)- Equipment for plug-in charging, including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, personnel protection system, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

(g) Micromobility Device, Powered- Motorized bicycles, motorized scooters, or other personal transportation devices powered by lithium-ion or lithium metal batteries.

(h) Wireless Power Transfer Equipment (WPTE)- Equipment installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle without physical electrical contact.

Rulemaking Authority 633.206 FS. Law Implemented 633.206 FS. History – New \_\_\_\_\_.

### **69A-73.002 Energy Storage Systems.**

(1) For purposes of this rule chapter, energy storage systems as defined in the National Fire Protection Association (“NFPA”) 855, 2023 Edition, incorporated herein by reference, shall comply with all requirements of the NFPA 855, 2023 Edition, and the Florida Fire Prevention Code, except that section 4.8.2.2. is amended to read as follows: “Multiple panels shall be aggregated to an interface, master, or annunciator panel at a location approved by the AHJ.”

(2) The NFPA 855, 2023 Edition, is copyrighted material that cannot be copied, but may be purchased by contacting the NFPA at 1 Batterymarch Park, Quincy, Massachusetts 02169-7471; Phone 1(800)344-3555; Website [www.nfpa.org](http://www.nfpa.org).

(3) The copyrighted material referenced above may be accessed in a read-only, non-printable, non-downloadable format at the Division of State Fire Marshal website at: <https://www.myfloridacfo.com/division/sfm/bfp/florida-fire-prevention-code>; or may be viewed, during regular business hours, at the offices of:

(a) The Division of State Fire Marshal, 325 John Knox Road, Third Floor, Atrium Building, Tallahassee, Florida 32303; or

(b) The Florida Administrative Code and Register, Florida State Capitol, 400 S. Monroe Street, Room 701, Tallahassee, FL 32399.

Rulemaking Authority 633.206 FS. Law Implemented 633.206 FS. History – New \_\_\_\_\_.

### **69A-73.003 Powered Micromobility Devices.**

(1) Powered micromobility devices shall be charged in accordance with this Rule.

(2) In other than one-and two-family dwellings, when more than five powered micromobility devices or batteries are charged inside or within 10 ft of a building or structure, the AHJ is authorized to require a permit in accordance with the Florida Fire Prevention Code.

(3) Powered micromobility devices and batteries for such devices shall be charged in accordance with their listing and the manufacturer’s instructions using either the original-equipment-manufacturer-supplied listed charging equipment or listed charging equipment specified in the manufacturer’s instructions.

(4) Powered micromobility devices and battery packs shall be listed and labeled in accordance with UL 2272, Electrical Systems for Personal E-Mobility Devices, Edition 2 (2024), or UL 2849, Electrical Systems for eBikes, Edition 1 (revised 2022), as applicable, which are hereby incorporated by reference.

(5) Charging equipment for powered micromobility devices shall be listed and labeled in accordance with UL 4900, Micromobility Charging Equipment, Edition 1 (2025), which is hereby incorporated by reference.

(6) Micromobility Device Battery Charging. Battery charging for powered micromobility devices and batteries for such devices shall be in accordance with all of the following:

(a) The charging equipment for each device shall be plugged directly into a listed receptacle;

(b) Extension cords and relocatable power taps shall not be utilized;

(c) Storage of combustible materials, combustible waste, or hazardous materials shall not be permitted within 10 ft of the charging equipment; and

(d) The charging operation shall not be located in any exit access corridor or exit enclosure.

(7) The assembly or reconditioning of a lithium-ion battery using cells removed from used lithium-ion batteries is prohibited.

(8) The sale or offer for sale of lithium-ion batteries or micromobility devices that do not comply with this rule is prohibited.

(9) The materials incorporated by reference in this rule are copyrighted materials that cannot be copied but may be purchased from UL Standards and Engagement at Comm 2000, 151 Eastern Avenue, Bensenville, IL 60106; Phone: 1(888)853-3503; Website: <https://www.shopulstandards.com/HowToOrder.aspx>. The copyrighted materials may be accessed in a read-only, non-printable, non-downloadable format at the UL Standards website at: <https://www.ul.com/news/qa-complimentary-online-access-ul-standards>; or may be viewed, during regular business hours, at the offices of:

(a) The Division of State Fire Marshal, 325 John Knox Road, Third Floor, Atrium Building, Tallahassee, Florida 32303; or

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Rulemaking Authority 633.206 FS. Law Implemented 633.206 FS. History – New \_\_\_\_\_.

#### **69A-73.004 Protective Systems and Designs.**

(1) Effective January 1, 2026, automatic sprinkler systems shall be installed in accordance with NFPA 13 and NFPA 13R, incorporated by reference in Rule 69A-60.005, F.A.C., as applicable, in all new parking structures.

(a) This provision shall not apply to private garages not exceeding 1000 ft<sup>2</sup> (92.9 m<sup>2</sup>) associated with residential buildings.

(b) This provision shall not apply to a free-standing, one-story covered structure that is open on at least two sides that provides shelter and storage for motor vehicles.

(2) Charging Station Installation of EVSE's, EVPE's, or WPTE's shall be prohibited within 15 feet of any fire hydrant or fire department connection.

(3) Direct current (DC) electric vehicle charging stations shall be listed and labeled in accordance with UL 2202, DC Charging Equipment for Electric Vehicles, Edition 3 (2022), which is hereby incorporated by reference.

(4) Electric vehicle supply equipment shall be listed and labeled in accordance with UL 2594, Electric Vehicle Supply Equipment, Edition 3 (2022), which is hereby incorporated by reference.

(5) Wireless power transfer equipment for transferring power to an electric vehicle shall be listed and labeled in accordance with UL 2750, Wireless Power Transfer Equipment for Electric Vehicles, Edition 1 (2023), which is hereby incorporated by reference.

(6) Electric vehicle power export equipment shall be listed and labeled in accordance with UL 9741, Electric Vehicle Power Export Equipment (EVPE), Edition 1 (2023), which is hereby incorporated by reference.

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(b) The Florida Administrative Code and Register, Florida State Capitol, 400 S. Monroe Street, Room 701, Tallahassee, FL 32399.

Rulemaking Authority 633.206 FS. Law Implemented 633.206 FS. History – New \_\_\_\_\_.

#### **69A-73.005 Storage of Wrecked or Inoperable Electric Vehicles.**

Electric Vehicles with damaged or burned batteries shall not be stored or parked within 50 ft of an occupied commercial structure until the battery can be safely discharged by a qualified person as defined in the NFPA 855, 2023 Edition. This rule does not apply to vehicles stored for the purpose of the insurance claim adjudication of an insured electric vehicle for no more than 30 days, to a licensed motor vehicle auction that sells junk or salvage motor vehicles for no more than 30 days, or for the disassembly or repair of a damaged electric vehicle.

Rulemaking Authority 633.206 FS. Law Implemented 633.206, F.S. History – New .

**69A-73.006 Parking or Storage of Electric Vehicles within a Coastal A Zone During a Hurricane or Tropical Storm Warning with Potential Storm Surge Threats.**

When a Hurricane or Tropical Storm Warning is issued for a Coastal A Zone, as defined in the Florida Building Code, the fire service provider as defined in section 633.102, F.S., shall coordinate the publication of firesafety precautions and mitigation efforts for stored or parked electric vehicles within the Coastal A Zone identified with a potential storm surge threat using the communication method used by the AHJ to communicate emergency information to the public.

Rulemaking Authority 633.206 FS. Law Implemented 633.206 FS. History – New .

NAME OF PERSON ORIGINATING PROPOSED RULE: Elijah Flowers, Division of State Fire Marshal

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jimmy Patronis, Chief Financial Officer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 26, 2025

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 28, 2025