

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 775 Alarm System Contractors
SPONSOR(S): Fiorentino
TIED BILLS: None **IDEN./SIM. BILLS:** SB 2088

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Insurance	15 Y, 0 N	Tinney	Cooper
2) Business Regulation			
3) Public Safety & Crime Prevention			
4) Commerce & Local Affairs Approp. (Sub)			
5) Appropriations			

SUMMARY ANALYSIS

Under chapter 633, F.S., the Division of State Fire Marshal in the Department of Financial Services (DFS) has primary responsibilities relating to fire safety, prevention, and control. As part of current law, the Division of State Fire Marshal is authorized to license fire suppression equipment and installers. The law authorizes DFS to inspect any building or fire alarm equipment located within the state if there is reason to believe a danger of fire or other related risk exists to the public.

The Department of Business and Professional Regulation (DBPR) has responsibility to regulate electrical and alarm system contractors, including fire alarm system agents. Laws regulating such contractors are found in part II of chapter 489, F.S. This means that DFS and DBPR share responsibility in the regulation of fire alarm systems and installers. Currently, part II of chapter 489, F.S., acknowledges the responsibilities shared by the Electrical Contractors' Licensing Board of DBPR and the Division of State Fire Marshal by cross-referencing chapter 633, F.S. Laws pertaining to fire safety, prevention, and control that are administered by DFS do not specifically cross-reference the licensing and certification authority of DBPR relating to alarm system contractors in chapter 633, F.S., however.

The bill amends s. 633.072, F.S., to cross-reference part II of chapter 489, F.S., to acknowledge the responsibilities of DBPR to license alarm system contractors. Specifically, state law relating to fire prevention and control is amended by the bill to specify that it is illegal for a contractor who is not licensed by the Electrical Contractors' Licensing Board of DBPR to install, repair, test, change, or otherwise alter a fire alarm system. Further, the bill clarifies that the State Fire Marshal is authorized, as part of his duties to inspect fire alarm systems, to verify that alarm system companies and their employees are properly licensed or certified by DBPR.

The bill appears does not appear to have any fiscal impact.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0775a.in.doc
DATE: March 16, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Background

The State Fire Marshal is assigned responsibilities relating to fire safety, prevention, and control by chapter 633, F.S. Under current law in s. 633.061, F.S., the Division of State Fire Marshal of the Department of Financial Services (DFS) is authorized to license fire suppression equipment and installers. The law authorizes DFS to inspect any building or fire alarm equipment located within the state if there is reason to believe a danger of fire or other related risk exists to the public.

In practice, staff of DFS inspects state-owned buildings and facilities for compliance with applicable fire safety and prevention laws. At the local level, the fire department or a similar unit of local government inspects public buildings for compliance with fire safety and prevention laws and ordinances. Local fire officials may ask DFS for assistance if the unit of local government lacks sufficient personnel or expertise to conduct its fire safety inspections.

The Department of Business and Professional Regulation (DBPR) has responsibility to regulate designated professions, industries, and businesses within the state. Among the professions regulated by DBPR are electrical and alarm system contractors, including fire alarm system agents. Laws regulating such contractors are found in part II of chapter 489, F.S. The Electrical Contractors' Licensing Board (the Board) advises DBPR in the regulation of electrical and alarm system contractors.

This means that DFS and DBPR share responsibility in the regulation of fire alarm systems and installers. Currently, part II of chapter 489, F.S., acknowledges the responsibilities shared by the Board and the Division of State Fire Marshal by cross-referencing chapter 633, F.S. Laws pertaining to fire safety, prevention, and control that are administered by DFS do not specifically cross-reference the licensing and certification authority of DBPR relating to alarm system contractors in chapter 633, F.S., however.

Section 633.072, F.S., describes acts that alarm system contractors are prohibited from committing. Among the prohibited acts is to render inoperable a fire alarm or fire suppression system, except for testing or maintenance activities. It is similarly illegal for a contractor to install, inspect, or otherwise service a fire alarm system improperly. A licensed alarm contractor or the certified employee of a licensed contractor may not allow an unauthorized person to use the contractor's license or certification.

Changes Proposed by the Bill

Section 633.072, F.S., is amended to specify that it is illegal to install, service, test, repair, improve, or inspect a fire alarm system unless the contractor is licensed under part II of chapter 489, F.S.

C. SECTION DIRECTORY:

Section 1 Amends current law in s. 633.702, F.S., to clarify that only a contractor licensed by DBPR may install or otherwise service a fire alarm system.

Section 2 Provides that the bill takes effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

If the Division of State Fire Marshal or inspection officials of local fire departments discover that an unlicensed contractor has installed fire alarm systems, the unlicensed individual, or the company for which he or she works, may be subject to a fine associated with a second-degree misdemeanor.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not Applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.