

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 775 w/ CS 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	36 Y, 0 N	Livingston	Liepshutz
3) Public Safety & Crime Prevention	15 Y, 0 N w/CS	Cole	De La Paz
4) Commerce & Local Affairs App (Sub)			
5) Appropriations			

SUMMARY ANALYSIS

Pursuant to chapter 633, F.S., the Division of State Fire Marshal in the Department of Financial Services (DFS) has primary responsibility 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 Electrical Contractors Licensing Board (ECLB) within the Department of Business and Professional Regulation (DBPR) has responsibility for the regulation of 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 current regulatory structure provides that DFS and the ECLB 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 ECLB 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 authority of the ECLB under chapter 489, F.S.

The bill amends s. 633.702, F.S., to cross-reference s. 489.5185, F.S., to acknowledge the responsibilities of the ECLB to license alarm system contractors. Specifically, state law relating to fire prevention and control is amended by the bill to specify that it is a first-degree misdemeanor for any person to install, service, test, repair, improve, or inspect a fire alarm system without being licensed under s. 489.5185, F.S., by the ECLB. By creating the reference to licensure under chapter 489, F.S., the bill clarifies that the State Fire Marshal maintains authority to verify that alarm system companies and their employees are properly licensed by the ECLB.

The bill appears does not appear to have a fiscal impact on state or local government.

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

STORAGE NAME: h0775e.ps.doc
DATE: March 31, 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:

Present situation

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 DFS is authorized to license fire suppression equipment and installers. The law authorizes DFS to inspect buildings or fire alarm equipment if there is reason to believe a danger of fire or other related risk exists to the public.

The DBPR and appropriate regulatory boards have responsibility for the regulation of designated professions pursuant to chapter 455, F.S., and appropriate professional practice acts. Among the professions regulated are electrical and alarm system contractors, including fire alarm system agents. These contractors are regulated by the ECLB pursuant to part II of chapter 489, F.S.

The current regulatory structure provides that DFS and the ECLB 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 ECLB 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 under chapter 633, F.S., do not specifically cross-reference the licensing authority of the ECLB.

Section 633.702, F.S., describes several prohibited acts relating to the conduct of alarm system contractors and certified unlimited electrical contractors. Among the prohibitions is rendering a fire alarm or fire suppression system inoperable, except for testing or maintenance activities; installing, inspecting, or otherwise servicing a fire alarm system improperly; and allowing an unauthorized person to use the contractor's license or certification.

Effect of proposed changes

The bill amends s. 633.702, F.S., to reference part II of chapter 489, F.S. This cross-reference is designed to specify that it is a prohibited act for a fire alarm system contractor or a certified unlimited electrical contractor to install, service, test, repair, improve, or inspect a fire alarm system unless the contractor is licensed under s. 489.5185, F.S. By creating the reference to licensure under chapter 489, F.S., the bill clarifies that the State Fire Marshal maintains authority to verify that alarm system companies and their employees are properly licensed by the ECLB.

C. SECTION DIRECTORY:

Section 1 Amends s. 633.702, F.S., to specify that it is a first degree misdemeanor for any person to intentionally or willfully install, service, test, repair, improve, or inspect a fire alarm system without being in compliance with s.489.5185, F.S.

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 an arrest or fine associated with a first-degree misdemeanor.

D. FISCAL COMMENTS: None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None noted.

B. RULE-MAKING AUTHORITY:

Not Applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

NA

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

A strike-all amendment was adopted by the Public Safety & Crime Prevention Committee that amends s. 633.702, F.S. making it a first degree misdemeanor for any person to intentionally or willfully install, service, test, repair, improve, or inspect a fire alarm system without being in compliance with s.489.5185, F.S.