

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: April 14, 1998 Revised: _____

Subject: Fire Prevention and Control

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Emrich</u>	<u>Deffenbaugh</u>	<u>BI</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>WM</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill amends various provisions relating to chapter 633, Florida Statutes, which governs the licensing and permitting by the State Fire Marshal (SFM) of organizations and individuals who install and service fire safety equipment. It defines the term “fire extinguisher,” provides requirements for conducting hydrotests of fire extinguishers and preengineered systems and revises the types of work that may be performed by persons who hold particular classes of licenses or permits issued by the SFM. The bill provides requirements for obtaining an upgraded license for fire equipment dealers.

The bill provides for other technical changes and revises the disciplinary provisions for licensees, permittees and certificateholders.

This bill substantially amends the following sections of the Florida Statutes: 633.021, 633.061, 633.065, 633.071, 633.162, 633.171, 633.547, and 489.105.

II. Present Situation:

The Division of State Fire Marshal within the Department of Insurance is primarily concerned with protecting Florida residents and their property from the hazards of fire. One of the division’s responsibilities is to inspect, train, license and examine fire equipment dealers. Pursuant to the provisions of chapter 633, F.S., the division currently licenses 500 dealers and over 1,000 employees of fire equipment dealers.

As provided under s. 633.061, F.S., fire equipment dealers must successfully complete a prescribed training course and be tested and licensed (or permitted) by the SFM. As such, these dealers are authorized to inspect and install fire protection equipment. There are various

classifications of licensed or permitted dealers and each applicant for licensure must carry proof of insurance providing certain coverages for comprehensive general liability for bodily injury and property damage, products liability, completed operations, and contractual liability.

The Division of State Fire Marshall may take disciplinary action against licensees, permittees and certificateholders and may suspend or revoke such licenses, permits, or certificates. Representatives with the SFM state that provisions within the disciplinary code relating to licenses, permits and certificates (s. 633.162 and s. 633.547, F.S.) must be changed so that persons who have had their license, permit or certificate revoked may not change their company name and attempt to become licensed again under the new company name.

III. Effect of Proposed Changes:

Section 1. Amends s. 633.021, F.S., to define “fire extinguisher.” A fire extinguisher is a cylinder that is portable, manually operated, utilizes a variety of extinguishing agents that are expelled under pressure, is rechargeable, installed and serviced according to applicable procedures and is listed by a nationally recognized testing laboratory.

Section 2. Amends s. 633.061, F.S., to add the term “hydrotesting” to the SFM law to clarify that this term is within the scope of work performed by fire equipment dealers. Hydrotesting is a pressure test done on a fire extinguisher cylinder. The bill also revises the specific types of work performed as to the class of licenses and permits issued by the SFM. The bill adds a requirement for applicants for licenses of any class by providing that an applicant must have a current retestor identification number that is appropriate for the license for which the applicant is applying and that is listed with the U.S. Department of Transportation. The bill provides procedures and requirements for fire equipment dealers to upgrade their license.

Section 3. Amends s. 633.065, F.S., to require that fire suppression equipment that is for new installations or alterations of existing systems must be “currently” listed by a nationally recognized testing laboratory.

Section 4. Amends s. 633.071, F.S., to clarify a provision relating to the standard service tag on all fire extinguishers by referring to a manufacturer’s specifications, and to specify that preengineered systems must be hydrotested prior to being tagged.

Section 5. Amends s. 633.162, F.S., to provide for revisions to the disciplinary section of the SFM code as it applies to persons licensed or permitted. The bill provides that during suspension or revocation of any license or permit, the former licensee or permittee shall not engage in any transaction or business for which the license or permit is required under this chapter. It mandates that the Department of Insurance not grant, so long as a revocation or suspension remains in effect, any new license or permit for the establishment of any new business of any person that has the same or similar management as previously revoked or suspended and it further allows the SFM the authority to deny, suspend or revoke the license of any person or business, the license of which has been suspended or revoked.

Section 6. Amends s. 633.171, F.S., relating to penalties for violations, to clarify that the current first degree misdemeanor penalty for rendering a fire extinguisher inoperative except during the time as the extinguisher is being serviced, also includes “hydrotested.”

Section 7. Amends s. 633.547, F.S., relating to the discipline of fire protection system contractors who are certified under this chapter. The bill provides for similar disciplinary procedures as outlined above under section 5.

Section 8. Amends s. 489.105, F.S., to provide a technical conforming change as to a statutory reference.

Section 9. Provides that the act shall take effect October 1, 1998.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Individuals who are disciplined by the SFM will be affected because they will not be able to engage in any transaction or business for which their license, permit or certificate is required under chapter 633, F.S.

C. Government Sector Impact:

The Department of Insurance estimates it needs \$50,000 to implement the provisions of this bill because the SFM would have to revise computer programs, applications and procedures related to the regulation of the industry.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
