

STORAGE NAME: h4429z.brc
DATE: July 1, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
BUSINESS REGULATION AND CONSUMER AFFAIRS
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 4429 (PCB BRCA 98-08)

RELATING TO: Fire Alarm System Contracting

SPONSOR(S): Committee on Business Regulation and Consumer Affairs and Rep. Ogles and others

COMPANION BILL(S): 3RDENG/HB 4439 (c), CS/CS/SB 2336 (c), CS/1ST ENG/SB 2484

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- | | | |
|-----|--|---------------|
| (1) | BUSINESS REGULATION AND CONSUMER AFFAIRS | YEAS 7 NAYS 0 |
| (2) | GENERAL GOVERNMENT APPROPRIATIONS | YEAS 9 NAYS 0 |
| (3) | | |

I. FINAL ACTION STATUS:

HB 4429 passed the House on April 28, 1998, by a vote of 119-0 and died in Senate Messages. Identical provisions passed as part of CS/1ST ENG/SB 2484 (ch. 98-170, L.O.F.), and as part of 3RD ENG/HB 4439 (ch. 98-419, L.O.F.). See the final Bill Research and Economic Impact Statements for those bills for a discussion of the contents of those acts.

II. SUMMARY:

This bill establishes training and criminal history check requirements for fire alarm agents similar to those that were established two years ago for burglar alarm system agents.

It defines fire alarm system agent work, and requires that any person who performs fire alarm system work receive 18 hours of training initially, and six additional hours every two years. Each fire alarm system agent must also have a criminal history check done through submission of a fingerprint card to the FDLE.

The electrical or alarm contractor is required to see that each of his employees who perform fire alarm agent work get the proper training and comply with the other requirements placed on them, and may be disciplined for their employees' failure to comply.

This bill takes effect January 1 of the year after the year in which enacted.

This bill has no fiscal impact on the state or local governments; however, the private sector will be economically impacted. Electrical and alarm contractors who employ fire alarm system agents will either have to pay for the training or ensure that the employees are trained. Information is not available on the cost of the training nor the number of persons affected.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Electrical and alarm system contractors are regulated by the Electrical Contractors' Licensing Board (ECLB) within the Department of Business and Professional Regulation, pursuant to Part II of chapter 489, F.S. Contractors either must be certified (i.e., licensed by the state to contract statewide), or registered (i.e., licensed by a local jurisdiction and registered by the state to contract within the geographic confines of the local jurisdiction only). Section 489.505(25), F.S., defines "licensure" to mean both certification and registration.

Alarm system contracting is within the scope of a certified electrical contractor's license; however, it is not within the scope of a registered electrical contractor's license. Registered electrical contractors must be separately licensed as either certified or registered alarm system contractors in order to engage in alarm system contracting.

In 1996, the Legislature enacted ch. 96-298, L.O.F., containing several provisions designed to address a documented law enforcement problem with false burglar alarms. The law includes requirements for training, criminal background checks, and identification cards for alarm system agents.

An "alarm system agent" is defined in s. 489.505, F.S., to mean an individual employed by a licensed electrical or alarm system contractor who installs, services, sells, or monitors alarm systems. Section 489.518, F.S., prohibits an electrical or alarm system contractor from employing an alarm system agent unless the agent has completed a minimum of 12 hours of training and has not been convicted of a crime relating to the alarm business or certain drug offenses, as evidenced by an FDLE criminal background check obtained by the employer. In addition, an alarm agent must carry an identification card specifying the name of the cardholder and the name and license number of the employing alarm or electrical contractor. The ECLB must approve training providers and must adopt criteria for the approval of training programs and providers by rule. The board may adopt criteria for accepting nonclassroom education for the training requirement.

In 1997, the Legislature enacted ch. 97-122, L.O.F., clarifying that the provisions passed the previous year applied only to *burglar* alarm work, and not fire alarm work. The Alarm Association of Florida had opposed the deletion of fire alarm work from the training and criminal history check requirement, and is a proponent of this bill to re-establish such requirements.

B. EFFECT OF PROPOSED CHANGES:

This bill establishes fire alarm agent training and criminal history check requirements similar to those established two years ago for burglar alarm system agents.

Fire alarm system agents are defined as those persons who perform fire alarm installation, repair, maintenance, etcetera. In addition to the criminal history check, fire alarm system agents must get 18 hours of initial training, and six hours every two years thereafter.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

Yes.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

Yes. A fee not to exceed \$200 is established for approval of training providers, and a fee for the approval of courses at \$25 per credit hour, not to exceed \$100 per course.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Yes.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

Yes. Presently, an electrical or alarm system contractor may employ anyone he wishes to perform fire alarm system work. This bill requires him to employ only trained persons who have passed a criminal history check.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

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(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Sections 489.505 and 489.5185, F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1. Amends s. 489.505, F.S., defining a "fire alarm system agent" as an employee of a contractor who is doing work that is an element of a regulated activity and which is either altering, installing, maintaining, moving, repairing, replacing, servicing, selling onsite, or monitoring a fire alarm system for compensation.

Section 2. Creates s. 489.5185, F.S.:

- 1) Providing that an electrical or alarm system contractor may not employ someone to perform fire alarm system agent duties unless that person is properly qualified;
- 2) Providing that the employee can commence or continue work as a fire alarm system agent, pending the results of a criminal history check, providing that if the department finds that person is not qualified (if, for instance, it is determined that the applicant has a criminal history which disqualifies him), the contractor will terminate his employment in fire alarm system agent duties;
- 3) Requiring the employer to obtain a completed criminal history check, including fingerprint cards for each employee performing fire alarm system agent duties;
- 4) Requiring 18 hours of training, but allowing employment prior to training, so long as the person receives training within 90 days after initial employment;
- 5) Requiring board approval of training courses and providers (the fee for approval of training providers shall not exceed \$200, and a fee for the approval of courses at \$25 per credit hour, not to exceed \$100 per course);
- 6) Providing that certain types of criminal history will disqualify the person from fire alarm system agent duties.
- 7) Requiring each company to issue a picture ID to the fire alarm system agent, on a board-approved format, to be renewed every two years, to include the contractor's name and license number;
- 8) Requiring fire alarm system agents to get six hours of continuing education every two years;
- 9) Providing that anyone who has completed the training required of burglar alarm agents is not required to take additional training in order to comply with this act; and
- 10) Providing that violation of any of these new provisions constitutes a disciplinable act.

Section 3. Provides that the act shall take effect January 1 of the year after the year in which enacted.

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Private industry will have to bear the cost of increased training requirements on its work force, and either the business or the individual alarm agent will have to bear the cost of submitting the fingerprint cards to FDLE.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does reduce the authority that municipalities or counties have to raise revenues in the aggregate, but only to an extremely insignificant degree.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

VI. COMMENTS:

None.

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VIII. SIGNATURES:

COMMITTEE ON BUSINESS REGULATION AND CONSUMER AFFAIRS:

Prepared by:

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**FINAL RESEARCH PREPARED BY COMMITTEE ON BUSINESS REGULATION AND
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