

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 2088

SPONSOR: Regulated Industries Committee and Senator Bennett

SUBJECT: Alarm System Contractors

DATE: April 12, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sumner</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Knudson</u>	<u>Deffenbaugh</u>	<u>BI</u>	<u>Favorable</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Committee Substitute for Senate Bill 2088 makes it a first-degree misdemeanor to intentionally or willfully install, service, test, repair, improve, or inspect a fire alarm system without being in compliance with the requirements for fire alarm system agents provided in s. 489.5185, F.S. The maximum punishment for a first-degree misdemeanor is 1 year in prison and a \$1,000 fine.

This bill substantially amends section 633.702 of the Florida Statutes.

II. Present Situation:

Regulation of Fire Safety Systems and Standards

The Division of State Fire Marshal (DSFM) within the Department of Financial Services (DFS) has limited jurisdiction over alarm system contractors and certified unlimited electrical contractors. The DSFM has authority to order an alarm system contractor¹ or unlimited electrical contractor² to take corrective action to bring alarm systems into compliance with the required

¹ An "alarm system contractor" is defined in s. 489.505(2), F.S., as "a person whose business includes the execution of contracts requiring the ability, experience, science, knowledge, and skill to lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace, or service alarm systems for compensation, including, but not limited to, all types of alarm systems for all purposes."

² An "unlimited electrical contractor" is defined in s. 489.505(12), F.S., as a person who conducts business in the electrical trade field and who has the experience, knowledge, and skill to install, repair, alter, add to, or design in compliance with law, electrical wiring, fixtures, appliances, apparatus, raceways, conduit, or any part thereof, which generates, transmits, transforms, or utilizes electrical energy in any form, including the electrical installations and systems within plants and substations, all in compliance with applicable plans, specifications, codes, laws, and regulations. The term means any person, firm, or corporation that engages in the business of electrical contracting under an express or implied contract; or that undertakes, offers to undertake, purports to have the capacity to

firesafety standards under ch. 633, F.S. The Department of Business and Professional Regulation (DBPR) and the Electrical Contractors' Licensing Board (Board) may also participate in these proceedings, at their discretion, but not as a party.

Additionally, violations of the fire safety standards can result in criminal penalties. Specifically, s. 633.702(3), F.S., provides that it is a first-degree misdemeanor for any fire alarm system contractor or certified unlimited electrical contractor who intentionally or willfully:

- renders inoperative any fire alarm system which is required by the State Fire Marshal's rules, except when the system is being serviced, tested, repaired, inspected, or improved;
- improperly installs, services, tests, repairs, improves, or inspects a fire alarm system; or
- combines or conspires knowingly with any person by allowing one's certificate to be used by any uncertified person with intent to evade the provisions of this act. When a licensee allows his or her license to be used by one or more companies without having any active participation in the operation or management of said companies, such act constitutes prima facie evidence of any intent to evade the provisions of this act.

Under part II of ch. 489, F.S., the Board licenses and disciplines alarm system contractors and certified unlimited electrical contractors. Part of the grounds for disciplinary action by the Board includes when the alarm system contractor or certified electrical contractor violates ch. 633, F.S., or the rules of the State Fire Marshal.³ The DBPR also has authority to issue stop-work orders for all work on a project if there is cause to believe that work is being performed by an unlicensed alarm system contractor or electrical alarm system contractor.⁴

Fire Alarm System Agents

Section 489.5185, F.S., provides the requirements for fire alarm systems agents—persons who can be employed by certified unlimited electrical contractors or licensed fire alarm contractors. It includes the requirements for age, initial training and exceptions, fees, criminal background checks, identification cards, and continuing education. A contractor who employs a fire alarm system agent who fails to comply with these requirements is subject to discipline, but current law provides no discipline against the agent.

III. Effect of Proposed Changes:

Section 1. Creates subsection (4) of s. 633.702, F.S. The bill makes it a first-degree misdemeanor as provided in ss. 775.082 or 775.083, F.S., 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. The maximum punishment for a first-degree misdemeanor is 1 year in prison and a \$1,000 fine.

Section 2. Provides that the act shall take effect on October 1, 2004.

undertake, or submits a bid to engage in the business of electrical contracting; or that does itself or by or through others engage in the business of electrical contracting.

³ Section 489.533(g), F.S.

⁴ Section 489.531(8), F.S.

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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.