

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: March 25, 2004 REVISED: _____

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

I. Summary:

The bill amends s. 633.702, F.S., and provides 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 the requirements for fire alarm system agents provided in s. 489.5185, F.S.

This bill substantially amends section 633.702, of the Florida Statutes.

II. Present Situation:

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 DFSM has authority to order the alarm system contractor or unlimited electrical contractor to take corrective action to bring the alarm systems into compliance with the required 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:

- render 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 install, service, test, repair, improve, or inspect a fire alarm system; and

- knowingly combining or conspiring 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. An “alarm system contractor” is defined 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.

A “certified alarm system contractor” is a contractor who possesses a certificate of competency issued by the department.

An “electrical contractor” or “unlimited electrical contractor” is defined 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 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.

A “certified electrical contractor” is a contractor who possesses a certificate of competency issued by the department.

Part of the grounds for disciplinary action by the board includes when the alarm system contractor or certified electrical contractor violate chapter 633 or the rules of the State Fire Marshal.¹ 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.²

Section 489.5185, F.S., provides the requirements for persons who can be employed by certified unlimited electrical contractors or licensed fire alarm contractors. It includes the requirements for

¹ Section. 489.533(g), F.S.

² Section 489.531(8), F.S.

age, initial training and exceptions, fees, criminal background checks, identification cards, and continuing education.

III. Effect of Proposed Changes:

The bill amends s. 633.702, F.S., and provides that it is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, F.S., for any person 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.

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.

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