

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government; ensure lower taxes; safeguard individual liberty; promote personal responsibility; empower families; maintain public security:

The bill specifies that it is the legislative intent in the adoption of this section to protect the health and welfare of the citizens by requiring the installation of smoke detectors and carbon monoxide detectors in all residential dwellings.

B. EFFECT OF PROPOSED CHANGES:

Present situation

Building Codes

In 1974, the Legislature established a set of statewide standards known as the State Minimum Building Codes. For the first time, local governments in Florida were required to adopt building codes to govern the construction, erection, alteration, repair or demolition of any buildings in their jurisdictions, and these codes had to be at least as stringent as the state's minimum standards.

Permits are required to be obtained at specific junctures in the process of building construction. Permits require inspections to certify that the construction is conducted in compliance with the appropriate building code standards. Currently, s. 553.73, F.S., is the Florida Building Code.

Construction contracting

Construction contracting is regulated under part I of chapter 489, F.S. With certain statutory exemptions from licensure, construction contractors are regulated by the Construction Industry Licensing Board (CILB) within the Department of Business and Professional Regulation (DBPR). Contractors must either 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 work within the geographic confines of the local jurisdiction only).

The CILB is statutorily divided into two divisions, I and II. Division I has jurisdiction over the regulation of general contractors, building contractors, and residential contractors. Division II has jurisdiction over the remaining contractors under the CILB, including roofing, plumbing, mechanical, sheet metal, air-conditioning, pool and spa, solar, pollutant storage systems, and underground utility contractors.

The "scope of work" for which licensure is required is specified in statute by definition. Each definition of the various professions is known as the "practice act" for that profession and establishes the guidelines for the individual practitioners.

Electrical and alarm system contracting

The Electrical Contractors Licensing Board (ECLB) within the DBPR regulates electrical contractors and alarm system contractors. Electrical contractors and alarm system contractors are regulated pursuant to part II, of chapter 489, F.S. The scope of work of an electrical contractor includes alarm systems. Part of the grounds for disciplinary action by the ECLB includes when the alarm system contractor or certified electrical contractor violates chapter 633, F.S., or the rules of the State Fire Marshal. The DBPR also has authority to issue stop-work orders for work on a project if there is cause

to believe that work is being performed by an unlicensed alarm system contractor or unlicensed electrical contractor performing alarm system work.

Section 489.513, F.S., requires registration in the proper classification of electrical or alarm system contracting. A registered contractor may contract only in the local jurisdiction for which his or her registration is issued. Certification by the ECLB permits the contractor to engage in the business of contracting in any jurisdiction in the state.

Chapter 633, F.S., fire code

The Division of State Fire Marshal (DSFM) within the Department of Financial Services (DFS) may inspect any building or fire alarm system regarding the issues of fire safety, prevention, and control. The DSFM has limited jurisdiction over alarm system contractors and certified unlimited electrical contractors. The DFSM has authority to order an alarm system contractor to take corrective action to bring alarm systems into compliance with the required fire safety standards in chapter 633, F.S.

Section 633.0215, F.S., provides in part:

The State Fire Marshal shall adopt, by rule,.... the Florida Fire Prevention Code which shall contain or incorporate by reference all firesafety laws and rules that pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and the enforcement of such firesafety laws and rules.

Effect of proposed changes

The bill defines "carbon monoxide detector" to mean a device capable of sensing carbon monoxide which provides an alarm to warn occupants of the presence of carbon monoxide within a residential dwelling. The bill defines "smoke detector" to mean a device that is capable of sensing visible or invisible products of combustion and, when activated, provides an alarm to warn occupants of the presence of such products within a residential dwelling.

The bill requires, beginning July 1, 2007, all units contained within "new" residential construction be installed with smoke detectors and carbon monoxide detectors. New construction must include a minimum of one smoke detector for each living area and bedroom and one additional smoke detector for each floor or story.

The bill requires "existing" residential dwellings and dwelling units to be retrofitted to comply with the requirements for installation of smoke detectors and carbon monoxide detectors before July 1, 2009.

Smoke detectors and carbon monoxide detectors must be wired directly or hard-wired to the dwelling's electric supply and be controlled by the main electric power supply. The bill allows a battery backup system to be considered approved types of detectors. Wiring must be permanent and without a disconnecting switch other than as required for over-current protection.

The bill specifies that the devices must be clearly audible in all bedrooms when intervening doors are closed. Each device's wiring system must be tested according to the household warning equipment provisions of the National Fire Protection Association Standard 72, Current Edition.

The bill specifies that violations are punishable by a penalty not to exceed \$500.

C. SECTION DIRECTORY:

Section 1. Creates an unnumbered section of the Florida Statutes to specify approved types of smoke detectors and carbon monoxide detectors; provide requirements for the installation and testing of such detectors; require existing and newly constructed residential dwellings and dwelling units to be installed with smoke detectors and carbon monoxide detectors.

Section 2. Effective date - July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Indeterminate, potential increase.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The department anticipates indeterminate costs and benefits to the private sector.

D. FISCAL COMMENTS:

According to the department, an indeterminate increase in expenditures is expected with regard to the development of rules. Additional costs may also arise if the department is required to participate in the implementation and enforcement of the provisions of this legislation.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None noted.

B. RULE-MAKING AUTHORITY:

The DBPR is required to adopt rules for the implementation of the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

NA

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On March 22, 2007, the Committee on Business Regulation adopted three amendments and passed the bill out of committee by unanimous vote.

The amendments

- Include reference to Anthony Perez in the where-as clauses;
- Removes smoke detectors from the provisions of the bill and applies the requirements for the installation of carbon monoxide detectors to newly constructed and existing residential facilities for single-family dwellings, multi-family dwellings and rental properties;
- Requires public lodging establishments to install carbon monoxide devices in machine rooms.