

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #:	CS/CS/HB 241	FINAL HOUSE FLOOR ACTION:		
SUBJECT/SHORT TITLE	Alarm Systems	119	Y's 00	N's
SPONSOR(S):	Local, Federal & Veterans Affairs Subcommittee; Agriculture & Property Rights Subcommittee; Williamson and others	GOVERNOR'S ACTION:	Approved	
COMPANION BILLS:	CS/CS/CS/SB 190			

SUMMARY ANALYSIS

CS/CS/HB 241 passed the House on March 30, 2017. The bill was amended in the Senate on May 2, 2017, and was returned to the House. The House concurred with the Senate amendment and subsequently passed the bill as amended on May 3, 2017. The bill includes the substance of HB 473.

The bill expands current law regarding the streamlined installation permitting of low-voltage alarm systems to include low-voltage electric fences, and creates an additional exception to the alarm system verification call requirement.

The bill:

- Defines "low-voltage electric fence" as an alarm system, as defined in s. 489.505, F.S., that consists of a fence structure and an energizer powered by a commercial storage battery not exceeding 12 volts which produces an electric charge upon contact with the fence structure;
- Adds "new or existing low-voltage electric fence" to the types of projects that constitute a low-voltage alarm system project;
- Adds "closed-circuit television systems," "access controls," and "battery recharging devices" to the types of ancillary components or equipment attached to a low-voltage alarm system; and
- Provides that a low-voltage electric fence must not produce an electric charge that exceeds specified international energizer characteristics, must be completely enclosed by a nonelectric fence or wall, may be up to 2 feet higher than the perimeter nonelectric fence or wall, must be identified using warning signs attached to the fence at intervals of not more than 60 feet, may not be installed in an area zoned exclusively for single-family or multi-family residential use, and may not be used to enclose portions of the property used for residential purposes.

The bill also provides that alarm system verification calls by alarm system monitoring personnel will no longer be required if the alarm signal is generated from premises used for the storage of firearms and ammunition by a licensed federal firearms manufacturer, importer, or dealer.

The bill does not appear to have a fiscal impact on state government. The bill may impact local governments to the extent they currently charge a permitting fee for installing low-voltage electric fences.

The bill was approved by the Governor on June 2, 2017, ch. 2017-52, L.O.F., and became effective on that date, except as otherwise provided.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0241z1.APR

DATE: June 5, 2017

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Present Situation

The Florida Building Code and Local Enforcement Agencies

The Florida Building Code, ch. 553, Part IV, F.S., applies statewide to all construction. The intent of the Florida Building Code is to create a single source of uniform standards for all aspects of construction. The Florida Building Commission is responsible for its general administration. With certain exceptions, state and local agencies can enforce the Florida Building Code.

A “local enforcement agency” is an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.¹

Alarm Systems, Alarm System Contractors, and Registration

An “alarm system” is defined as “any electrical device, signaling device, or combination of electrical devices used to signal or detect a burglary, fire, robbery, or medical emergency.”²

Many alarm system contractors install alarm systems that are monitored by a central monitoring system or station (CMS). Generally, a CMS is a facility that receives signals from alarm systems and at which personnel are in constant attendance.³ In Florida, because they monitor alarm systems, CMSs must be licensed alarm system contractors, subject to regulation and discipline by the Electrical Contractors’ Licensing Board under the Florida Department of Business and Professional Regulation.⁴

There is no current state-wide requirement to register any information related to alarm systems, but some local enforcement agencies⁵ have implemented alarm system registrations.⁶ Local enforcement agencies have varied registration requirements that typically include contact information for the homeowner or occupant registering the alarm system, the alarm contractor, and an emergency contact.⁷ Local enforcement agencies differ as to whether the property owner or alarm system contractor is required to register an alarm system.

Failure to register an alarm system may result in a fine on the property owner, alarm system contractor, or both. Not all local enforcement agencies require registration fees, but the fees for those that do vary across the state. Fines for excessive alarms also vary by local enforcement agency. There have been reports that some local enforcement agencies will not dispatch a response team in response to an alarm if the alarm system has not been registered.⁸

¹ s. 553.71(5), F.S.

² s. 489.505(1), F.S.

³ Central Station Alarm Association, ALARM CONFIRMATION, VERIFICATION, AND NOTIFICATION PROCEDURES 4 (2016).

⁴ s. 489.505(2), F.S.

⁵ A “local enforcement agency” is an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities. s. 553.71(5), F.S.

⁶ s. 553.7931(1), F.S.

⁷ E-mail from Jorge Chamizo, Floridian Partners, FW: HB 779 Alarm System Registration, regarding attachment from Xfinity Home (on file with Business & Professions Subcommittee) (Jan. 15, 2016); List of municipalities serviced by Florida Safeguard, http://floridasafeguard.com/?page_id=123 (last visited Jan. 15, 2016).

⁸ *Id.*

Low-Voltage Alarm Systems

A “low-voltage alarm system project” is a project related to the installation, maintenance, inspection, replacement, or service of a new or existing alarm system, and attached ancillary components, that is hardwired and operating at low voltage.⁹

Uniform state law streamlines the permitting process for the installation of low-voltage alarm system projects.¹⁰ Generally, the law authorizes licensed electrical and alarm system contractors to purchase uniform basic permit labels (permits) from the local enforcement agencies without requiring detailed information about the project, and exempts the contractor from having to notify the local enforcement agency of the details of a job prior to installation.¹¹ Contractors have 14 days after completion of a project to submit a Uniform Notice of a Low Voltage Alarm System Project to the local enforcement agency.¹² The local enforcement agency is then authorized to coordinate directly with the property owner or customer for inspection.¹³

Specifically, the law:

- Applies to all low-voltage alarm system projects for which a permit is required by a local enforcement agency;¹⁴
- Authorizes local enforcement agencies to determine whether to require permitting for low-voltage alarm systems;¹⁵
- Prohibits local enforcement agencies from charging more than \$40 for a permit;¹⁶
- Prohibits local enforcement agencies from requiring any other charge associated with the installation or replacement of a new or existing hardwired, low-voltage alarm system;¹⁷
- Requires the permits to be valid for one year from the date of purchase;¹⁸
- Requires the permits to only be used in the jurisdiction where they are issued;¹⁹
- Prohibits a local enforcement agency from requesting any information for issuance of permits for purchase by a contractor other than identification information, proof of registration, or certification as a contractor;²⁰
- Requires a contractor to post an unused permit in a conspicuous place on the premises of the low-voltage alarm system project site before commencing work on the project;²¹
- Exempts a contractor from notifying the local enforcement agency before commencing work on a low-voltage alarm system project;²²
- Requires a contractor to submit a Uniform Notice of a Low-Voltage Alarm System Project to the local enforcement agency within 14 days after completing the project;²³
- Authorizes a local enforcement agency to take disciplinary action against a contractor who fails to timely submit a Uniform Notice of a Low-Voltage Alarm System Project;²⁴

⁹ s. 553.793(1)(b), F.S., incorporating by reference “low voltage” as defined in the National Electrical Code Standard 70, Current Edition.

¹⁰ s. 553.793, F.S.

¹¹ s. 553.793, F.S.

¹² *Id.*

¹³ *Id.*

¹⁴ s. 553.793(2), F.S.

¹⁵ *Id.*

¹⁶ s. 553.793(4), F.S.

¹⁷ *Id.*

¹⁸ s. 553.793(4)(b), F.S.

¹⁹ *Id.*

²⁰ s. 553.793(4)(a), F.S.

²¹ s. 553.793(5), F.S.

²² s. 553.793(6), F.S.

²³ *Id.*

²⁴ *Id.*

- Allows the Uniform Notice of a Low-Voltage Alarm System Project to be submitted electronically or by facsimile if all submissions are signed by the owner, tenant, contractor, or authorized representative of such persons;²⁵
- Authorizes a local enforcement agency to coordinate directly with the owner or customer to inspect a low-voltage alarm system project to ensure compliance with applicable codes and standards;²⁶
- If a low-voltage alarm system project fails an inspection, requires the contractor to take corrective action as necessary to pass inspection;²⁷ and
- Prohibits a permit from being required for the subsequent maintenance, inspection, or service of an alarm system that was permitted in accordance with this law.²⁸

A municipality, county, district, or other entity of local government may not adopt or maintain in effect an ordinance or rule regarding a low-voltage alarm system that is inconsistent with the streamlined low-voltage alarm system installation permitting of s. 553.793, F.S.²⁹

Verification Calls

A false alarm is a false intrusion or burglar alarm signal stemming from causes not connected with an intrusion or burglary, such as user error (e.g. inputting incorrect alarm keypad codes), faulty equipment, poor installation, and bad weather. Between 94 and 98 percent of alarm calls are false. Each false alarm requires approximately 20 minutes of two police officers' time.³⁰

Most jurisdictions across the country, including Florida, require a central monitoring system or station (CMS) to make a first verification call to the premises with an activated alarm system before contacting a law enforcement agency to ensure the alarm signal is not false, which reduces false alarm calls to law enforcement agencies by 75 percent.³¹ If the owner is not successfully contacted by the CMS during the initial call, Florida requires a second call by the CMS to another phone number associated with the premises, which further reduces false alarm calls to law enforcement agencies by 40 percent.³²

Florida requires verification calling unless the alarm signal has been generated by an alarm system with audio or visual sensors which allow the CMS to verify the alarm signal. If alarm system monitoring personnel can verify an emergency situation via an alarm system that has audio or video equipment, a verification call is not required.

Federal Firearms Licenses and Firearm Theft

Federal law requires a federal firearms license if a person is engaged in business as a firearms or ammunition dealer, manufacturer or importer.³³ Florida does not regulate gun shops or firearms dealers.

²⁵ s. 553.793(7), F.S.

²⁶ s. 553.793(8), F.S.

²⁷ *Id.*

²⁸ s. 553.793(10), F.S.

²⁹ s. 553.793(9), F.S.

³⁰ Rana Thompson, *FALSE BURGLAR ALARMS* 7, 9, 11 (2nd ed. 2011).

³¹ Security Industry Alarm Coalition, *Consumer Guide to ECV*, <http://siacinc.org/docs/Executive%20Overview.pdf> (last visited March 14, 2017).

³² It is estimated by the Florida Alarm Association (FAA) that Florida has seen a 40 percent reduction in false alarm calls since passing the second verification call requirement. Most alarm companies use automated dialing technology to make verification calls, which takes seconds to make. Caitlin Doornbos, *After break-in, gun shop owner seeks alarm law change*, Orlando Sentinel, August 26, 2016, available at <http://www.orlandosentinel.com/news/breaking-news/os-gun-shop-alarm-911-20160819-story.html>.

³³ United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, *Types of Federal Firearms Licenses (FFLs)*, <https://www.atf.gov/resource-center/types-federal-firearms-licenses-ffls> (last visited March 10, 2017).

In 2015, there were 14,800 firearms reported lost or stolen nationwide from federal firearms licensees, and there were 700 lost or stolen firearms reported in Florida.³⁴

Although there are no federal or state security requirements for the storage of unloaded firearms by federal firearms licensees,³⁵ the United States Department of Justice has prepared storage suggestions for federal firearms licensees to prevent firearm theft.³⁶

Effect of the Bill

Low-Voltage Electric Fences

The bill expands current law regarding the streamlined installation permitting of low-voltage alarm systems to include “low-voltage electric fence” as a type of low-voltage alarm system project.

Specifically, the bill amends s. 553.793, F.S., to do the following:

- Add “new or existing low-voltage electric fence” to the types of projects that constitute a low-voltage alarm system project;
- Add “closed-circuit television systems,” “access controls,” and “battery recharging devices” to the types of ancillary components or equipment attached to a low-voltage alarm system;
- Define “low-voltage electric fence” as an alarm system, as defined in s. 489.505, F.S., that consists of a fence structure and an energizer powered by a commercial storage battery not exceeding 12 volts which produces an electric charge upon contact with the fence structure.

The bill requires that a low-voltage electric fence meet all of the following requirements to be permitted as a low-voltage alarm system project, and prohibits any further permitting for the low-voltage alarm system project other than as provided in s. 553.793, F.S.:

- The electric charge produced by the fence upon contact does not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission Standard No. 60335-2-76, Current Edition;
- A nonelectric fence or wall must completely enclose the perimeter of the low-voltage electric fence;
- The low-voltage electric fence may be up to 2 feet higher than the perimeter nonelectric fence or wall;
- The low-voltage electric fence must be identified using warning signs attached to the fence at intervals of not more than 60 feet;
- The low-voltage electric fence may not be installed in an area zoned exclusively for single-family or multi-family residential use; and
- The low-voltage electric fence may not enclose portions of the property used for residential purposes.

A municipality, county, district, or other entity of local government may not adopt or maintain in effect an ordinance or rule regarding a low-voltage alarm system project that is inconsistent with s. 553.793, F.S. Consequently, including a low-voltage electric fence within this classification will eliminate the authority of a local government to regulate low-voltage electric fences in a way that is inconsistent with the streamlined low-voltage alarm system installation permitting.

³⁴ United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, *ATF Releases 2015 Federal Firearms License Theft and Loss Report*, <https://www.atf.gov/news/pr/atf-releases-2015-federal-firearms-licensee-theft-and-loss-report> (last visited March 10, 2017).

³⁵ See s. 790.174, F.S. (The only requirement in Florida for storing firearms is related to loaded firearms which may come into contact with a minor, which must be kept in locked box, in a secured location, or with a trigger lock.)

³⁶ United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, *SAFETY AND SECURITY INFORMATION FOR FEDERAL FIREARMS LICENSEES 8* (2010).

Electric Shock of Low-Voltage Electric Fences

Dr. John G. Webster, Professor Emeritus of Biomedical Engineering at the University of Wisconsin Madison, in a letter authored to answer questions regarding electric security fence medical treatment, states:

Electric security fences are safe because the brief electric shock occurs about once per second, therefore there is ample time for the person to jerk their hand away to avoid the second electric shock. If a person contacts an electric security fence, electric current is concentrated in the fingers and causes a deterrent shock; when the electric current continues to pass through the torso, it spreads out and becomes more diffuse. Therefore electric security fences are safe because the deterrent electric shock spreads out and becomes more diffuse and is of a very short duration.

Dr. Webster further explains that at the shock entry location there might be a slight temporary reddening of the skin similar to that of a mosquito bite but that no medical attention is required.³⁷

Verification Calls

The bill makes an exception to the verification calling requirement made in response to an alarm signal. If the alarm signal was generated from the premises used by a federal firearms licensee for storage of firearms and ammunition, verification calling is not required.

The bill clarifies that the verification call may be made to a telephone number associated with the premises generating the alarm signal.

The effective date of this provision is October 1, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

By including low-voltage electric fences in s. 553.793, F.S., the bill requires local enforcement agencies, when permitting is required by the applicable local government entity, to charge not more than a \$40 permitting fee for the installation or replacement of a new or existing low-voltage electric fence.

2. Expenditures:

Local enforcement agencies that choose to require permitting for a low-voltage electric fence would be required to make permit labels available.

³⁷ John G. Webster, Professor Emeritus, to Jack DeMao, CEO of Sentry Security Systems, LLC.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill limits permitting fees to not more than \$40 for electrical or alarm system contractors, when permitting is required by the applicable local government entity, for the installation or replacement of a new or existing low-voltage electric fence.

The bill may require alarm companies to develop mechanisms to store and relay information about premises used by a federal firearms licensee for storage of firearms and ammunition.

D. FISCAL COMMENTS:

None.