

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL: SB 822

INTRODUCER: Senator Hutson

SUBJECT: Intrusion and Burglar Alarms

DATE: April 3, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kraemer	McSwain	RI	Pre-meeting
2.			CM	
3.			RC	

I. Summary:

SB 822:

- Requires that intrusion/burglar alarms that have central monitoring have a verification call made to “a telephone number associated with the premises” generating the alarm signal, if the first verification call is not answered, prior to contacting law enforcement; and
- Creates an exception to current verification calling requirements to allow central monitoring stations to contact law enforcement agencies without a verification call, for intrusion/burglary alarms installed on premises used for the storage of firearms or ammunition by federally licensed firearms dealers.

Under current law, a verification call is required before alarm monitoring personnel may contact a law enforcement agency for dispatch of law enforcement officers to the premises, and the verification call must be made “to the premises” generating the alarm signal.

SB 822 has no fiscal impact to state government.

The bill provides for an effective date of July 1, 2017.

II. Present Situation:

Chapter 489, F.S., dealing with construction contracting, provides for the regulation of contractors based on the type of contracting engaged in by the contractor. Part I of ch. 489, F.S.

relating to construction contracting, addresses regulation of the construction industry.¹ Part II of ch. 489, F.S., deals with the licensing of electrical and alarm system contractors.²

Construction Contracting

The Construction Industry Licensing Board (CILB) within the Department of Business and Professional Regulation (DBPR) is responsible for licensing and regulating the construction industry in this state.³ The CILB is divided into two divisions with separate jurisdictions:

- Division I is comprised of the general contractor, building contractor, and residential contractor members of the CILB. Division I has jurisdiction over the regulation of general contractors, building contractors, and residential contractors.
- Division II is comprised of the roofing contractor, sheet metal contractor, air-conditioning contractor, mechanical contractor, pool contractor, plumbing contractor, and underground utility and excavation contractor members of the CILB. Division II has jurisdiction over the regulation of roofing contractors, sheet metal contractors, class A, B, and C air-conditioning contractors, mechanical contractors, commercial pool/spa contractors, residential pool/spa contractors, swimming pool/spa servicing contractors, plumbing contractors, underground utility and excavation contractors, solar contractors, and pollutant storage systems contractors.

A specialty contractor is one whose scope of work and responsibility is limited to a particular phase of construction as detailed in an administrative rule adopted by the CILB. Jurisdiction is dependent on the scope of work and whether Division I or Division II has jurisdiction over such work in accordance with the applicable administrative rule.⁴

The CILB is authorized to:

- Reprimand or place licensees on probation;
- Revoke, suspend, or deny the issuance or renewal of a certificate or registration;
- Require financial restitution to a consumer for financial harm directly related to a violation;
- Impose an administrative fine not to exceed \$10,000 per violation;
- Require continuing education; or
- Assess costs associated with investigation and prosecution.⁵

Electrical and Alarm System Contracting

Part II of ch. 489, F.S., dealing with electrical and alarm system contracting, sets forth requirements for qualified persons to be licensed if they have sufficient technical expertise in the applicable trade, and have been tested on technical and business matters.⁶ The Electrical Contractors' Licensing Board (ECLB) in the DBPR implements part II of ch. 489, F.S.⁷

¹ See ss. 489.101-489.146, F.S.

² See ss. 489.501-489.538, F.S. Part III, dealing with registration of septic tank contractors is not relevant to SB 822; see ss. 489.551-489.558, F.S.

³ See s. 489.107, F.S.

⁴ See, for example, Fla. Admin. Code R. 61G4-15.032 (2016), dealing with the various types of pool/spa contractors.

⁵ See s. 489.129(1)(a) - (q), F.S., for the acts that may result in the imposition of discipline by the CILB.

⁶ See s. 489.501, F.S.

⁷ See ss. 489.507 through 489.517, F.S., concerning the powers and duties of the ECLB.

An alarm system is “any electrical device, signaling device, or combination of electrical devices used to signal or detect a burglary, fire, robbery, or medical emergency.”⁸ An alarm system includes home-automation equipment, thermostats, and video cameras.⁹

Section 489.505, F.S., specifies the types of contractors that may lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace or service alarm systems. An alarm system contractor is a person whose business includes the execution of contracts requiring the ability, experience, science, knowledge, and skill to conduct all alarm services for compensation, for all types of alarm systems for all purposes.¹⁰ The term also includes any person, firm, or corporation that engages in the business of alarm contracting under an expressed or implied contract or that undertakes, offers to undertake, or submits a bid to engage in the business of alarm contracting.¹¹ An alarm system contractor whose business includes all types of alarm systems for all purposes is designated as an “alarm system contractor I;” the practice area of an “alarm system contractor II” is identical except that it does not include fire alarm systems.¹²

The DBPR may also issue geographically unlimited certificates of competency to an alarm system contractor (certificateholder).¹³ The scope of certification is limited to specific alarm circuits and equipment.¹⁴ No mandatory licensure requirement is created by the availability of a certification.¹⁵

Verification of Intrusion/Burglary Alarm Signals

All residential or commercial intrusion/burglary alarms that have central monitoring must have a central monitoring verification call made to the premises generating the alarm signal, before alarm monitor personnel may contact a law enforcement agency for dispatch of law enforcement officers to the premises.¹⁶ The central monitoring station must employ call-verification methods for the premises generating the alarm signal if the first call is not answered.¹⁷ Verification calling is not required, however, if the intrusion/burglary alarms have properly operating visual or auditory sensors that enable the monitoring personnel to verify the alarm signal.¹⁸

⁸ See s. 489.505(1), F.S.

⁹ See s. 553.793(1)(b), F.S.

¹⁰ See s. 489.505(2), F.S.

¹¹ *Id.*

¹² See s. 489.505(2)(a) and (b), F.S.

¹³ See ss. 489.505(4), 489.505(5), and 489.515(1), F.S.

¹⁴ Section 489.505(7), F.S., describes the limitations on the scope of a certificate of competency as those circuits originating in alarm control panels, equipment governed by the Articles 725, 760, 770, 800, and 810 of the National Electrical Code, Current Edition, and National Fire Protection Association Standard 72, Current Edition, as well as the installation, repair, fabrication, erection, alteration, addition, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 98 volts (RMS), when those items are for the purpose of transmitting data or proprietary video (satellite systems that are not part of a community antenna television or radio distribution system) or providing central vacuum capability or electric locks. RMS is the abbreviation for “root mean square,” a statistical term defined as the square root of mean square. See <http://www.practicalphysics.org/explaining-rms-voltage-and-current.html> (last visited Mar. 29, 2017).

¹⁵ *Id.*

¹⁶ See s. 489.529, F.S.

¹⁷ *Id.*

¹⁸ *Id.*

Electrical and Alarm Standards

Part IV of ch. 553, F.S., constitutes the Florida Building Codes Act (act). The act provides a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of the Florida Building Code, consisting of a single set of documents that apply to the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, or facilities, and to the enforcement of such requirements.¹⁹ The Florida Building Code is adopted, modified, updated, interpreted, and maintained by the Florida Building Commission.²⁰

The current edition of these standards establish minimum electrical and alarm standard requirements in Florida:

- National Electrical Code, NFPA²¹ No. 70;
- Underwriters' Laboratories, Inc. (UL), Standards for Safety, Electrical Lighting Fixtures, and Portable Lamps, UL 57 and UL 153;
- Underwriters' Laboratories, Inc., Standard for Electric Signs, UL 48;
- The provisions of the following which prescribe minimum electrical and alarm standards:
 - NFPA No. 56A, Inhalation Anesthetics;
 - NFPA No. 56B, Respiratory Therapy;
 - NFPA No. 56C, Laboratories in Health-related Institutions;
 - NFPA No. 56D, Hyperbaric Facilities;
 - NFPA No. 56F, Nonflammable Medical Gas Systems;
 - NFPA No. 72, National Fire Alarm Code; and
 - NFPA No. 76A, Essential Electrical Systems for Health Care Facilities;
- The rules and regulations of the Department of Health, entitled "Nursing Homes and Related Facilities Licensure"; and
- The minimum standards for grounding of portable electric equipment in Florida Administrative Code Rule Chapter 8C-27, as recommended by the Division of Workers' Compensation in the Department of Financial Services.²²

Security Measures for Premises of Federally Licenses Firearms Dealers

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) notes that each year, it receives thousands of reports of theft or loss from federally licensed firearms dealers.²³ The steps that the ATF recommends to protect a firearms business include store design measures, after-

¹⁹ See s. 553.72(1), F.S., which also indicates that effective and reasonable protection for public safety, health, and general welfare at the most reasonable cost to the consumer is also intended.

²⁰ See s. 553.72(3), F.S.

²¹ NFPA is the acronym for the National Fire Protection Association, which is an international nonprofit organization established in 1896. Its mission is to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating consensus codes, standards, research, training, and education. NFPA develops, publishes, and disseminates more than 300 consensus codes and standards intended to minimize the possibility and effects of fire and other risks. See <http://www.nfpa.org/about-nfpa> (last visited Mar. 29, 2017).

²² See s. 553.88, F.S.

²³ See <https://www.atf.gov/firearms/learn-about-firearms-safety-and-security> (last visited Mar. 29, 2017).

hours security methods, reinforcement and narrowing of store door and window openings, alarm systems, and 24-hour video camera recording adequate to capture faces and features.²⁴

III. Effect of Proposed Changes:

SB 822 amends s. 489.529, F.S., to require that alarm verification calls made by central monitoring stations to a telephone number associated with the premises generating the alarm signal, if the first call is not answered, before alarm monitor personnel may contact a law enforcement agency for alarm dispatch.

Under current law, the verification call must be made to the premises generating the alarm signal. Verification calling is not required under current law if the intrusion/burglary alarm has properly operating visual or auditory sensors that enable the alarm monitoring personnel to verify the alarm signal.²⁵

The bill creates another exception to verification calling to allow central monitoring stations to contact law enforcement, without a verification call, for intrusion/burglary alarms installed on premises used for the storage of firearms or ammunition by a person who holds a valid federal firearms license as a manufacturer, importer, or dealer of firearms or ammunition.

The bill provides for an effective date of July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

²⁴ *Id.*

²⁵ *Id.*

B. Private Sector Impact:

SB 822 provides for improved verification of an alarm signal generated at a residential or commercial premises with a centrally monitored intrusion/burglary alarm and should assist in reducing the number of alarm dispatch calls to law enforcement officers.

Law enforcement response times to premises used for the storage of firearms or ammunition may be reduced due to elimination of the requirement for a central monitoring verification call prior to alarm monitor personnel contacting a law enforcement agency for dispatch to such premises.

C. Government Sector Impact:

The bill has no impact to state government. Reductions in false alarm may reduce the costs of responses to intrusion/burglary alarms by local governments and law enforcement agencies.²⁶

Reduction of false alarm calls may alleviate the associated burden to law enforcement agencies that must respond to premises generating intrusion/burglary alarms. Allowing verification calling to a telephone number associated with a premises that has a central monitoring alarm system (rather than a call to the premises generating the alarm signal) will reduce false alarms by permitting calls to persons who use cellular telephones and not landlines at the premises, and to third parties authorized to verify the validity of alarm signals generated at the premises.²⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 489.529 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

²⁶ For example, according to a 2014 press release by the City of St. Cloud Police Department: [i]n recent years, false alarms account for approximately 98% of all alarms to which the [St. Cloud Police Department] has had to respond. These false alarms divert law enforcement resources from crimes in progress, other emergency situations and time spent patrolling their beats. See <http://www.stcloud.org/index.aspx?NID=1066> (last visited Mar. 29, 2017).

²⁷ According to the Pew Research Center, 64% of Americans owned a smartphone in 2015, up from 58% in early 2014. See <http://www.pewinternet.org/2015/04/01/chapter-one-a-portrait-of-smartphone-ownership/> (last visited Mar. 29, 2017).

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
