

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 562
SPONSOR: Regulated Industries Committee and Senator Bennett
SUBJECT: Electrical & Alarm System Contracts
DATE: February 25, 2004 REVISED: 03/03/04 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sumner</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Clodfelter</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/1 amendment</u>
3.	_____	_____	<u>AGG</u>	_____
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill requires that alarm system contractors and electrical contractors engaged in alarm systems contracting, who seek to renew their certificates or registrations, have two hours of false alarm prevention education as part of their continuing education requirements. It requires burglar alarm and fire alarm system agents to have two additional hours of training in false alarm prevention and expands the criminal background check to require processing through the National Crime Information Center and the Federal Bureau of Investigation (FBI). It allows applicants and individual burglar alarm system agents 90 days to complete training and background checks. It requires that licensed electrical or alarm system contractors furnish their burglar alarm system agents with a board approved identification card. The card is valid for two years and may be renewed subject to proof of compliance with continuing education requirements and an updated criminal background check. It provides for a second alarm verification call should the first call to the premises go unanswered.

This bill substantially amends the following sections of the Florida Statutes: 489.517, 489.518, 489.5185, and 489.529.

II. Present Situation:

Continuing Education

Section 489.517, F.S., requires that contractors licensed under parts I and II of ch. 489, F.S., who seek to renew their certificates or registrations, take 14 hours of continuing education during each biennium. The breakdown in hours is seven hours on technical subjects, one hour on workers' compensation, one hour on workplace safety, and one hour on business practices, with the remaining four on electives chosen from board approved courses.

Alarm System Agents

Section 489.518, F.S., regulates Burglar Alarm System agents. It requires that in order for a licensed electrical or alarm system contractor to employ an agent, the person must be 18 years of age and have completed 12 hours of training in alarm system electronics and other related training. Persons who perform only monitoring or sales are not required to complete the training. It further requires that the employer obtain a fingerprint and background check on the agent from the Florida Department of Law Enforcement. It also permits the agent to work and complete the required training for 60 days under the supervision and control of a licensed electrical or burglar alarm contractor pending the results of the background check. The agent is required to carry a photo identification card identifying the agent and name and license of the contractor.

Fire Alarm System Agents

Section 489.5185, F.S., regulates Fire Alarm System agents. It requires that in order for a certified unlimited electrical contractor or licensed fire alarm contractor to employ a fire alarm system agent, the person must be 18 years of age and have successfully completed a minimum of 18 hours of initial training that includes basic fire alarm system technology in addition to related training in National Fire Protection Association codes and standards. It further requires that the employer obtain a fingerprint and background check on the agent from the Florida Department of Law Enforcement. The alarm and fire alarm system agent is required to carry a board-approved photo identification card identifying the agent and name and license of the contractor.

Alarm Verification Calls Required

Section 489.529, F.S., regulates alarm verification calls. 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, prior to alarm monitor personnel contacting law enforcement for alarm dispatch.

According to Ron Walters, co-chairman of Security Industry Alarm Coalition (SIAC), a nonprofit company representing four major alarm associations, alarm customers consist of seventy percent residential customers and thirty percent commercial customers. SIAC reports that it is impossible to establish the number of actual false alarms but, in areas where there is a local ordinance addressing false alarm problems, false alarm dispatches to residential customers is reportedly significantly lower than dispatches to commercial customers. SIAC is presently working to enhance education to emphasize the seriousness of the false alarm problem while addressing safety issues.

III. Effect of Proposed Changes:**Continuing Education**

The bill amends s. 489.517(4)(b), F.S., to require that alarm system contractors and electrical contractors engaged in alarm system contracting, who seek to renew their certificates or registrations, have two hours of false alarm prevention education as part of their continuing education requirements. The bill also changes the continuing education hours from 12 to 14 for both the burglar and fire alarm system agents.

According to the Department of Business and Professional Regulation (department), the requirement for certified or registered electrical and alarm contractors to obtain two hours of

continuing education training may help reduce the high incidence of false alarms being experienced by law enforcement personnel. If the training exposes the contractors to the major reasons for false alarms and does in fact reduce the incidence of false alarms, this will allow for law enforcement personnel to respond to actual required assistance calls from the public.

Alarm System Agents

Section 489.518 F.S., is amended to require a burglar alarm system agent to complete at least two hours of false alarm prevention. The bill deletes the salesperson exemption from the 14 hours of continuing education required for agents. It requires that the employer have an additional background check on the agent applying for employment through the National Crime Information Center and the FBI. It requires that the agent, who is subject to the background check, file a complete set of fingerprints with the Department of Law Enforcement and the FBI. It requires an updated background check from the Florida Department of Law Enforcement for each agent who renews certification. It expands the period the agent may work and complete the required training from 60 days to 90 days pending the results of the background check. It also provides for the board to approve a format for an identification card. The card is valid for two years and may be renewed subject to proof of compliance with continuing education requirements and an updated criminal background check.

According to the department, the effect of salespersons being required to complete the training for burglar alarm system agents may provide a number of benefits to the public and the industry. A salesperson, with the knowledge and training in alarm systems, will be better versed in dealing with the public when presenting a system. The department further maintains that the training should aid the agent in developing a system within the customer's desires instead of selling a generic system that may or may not meet the customer's particular situation.

The department points out that another benefit that may bring "peace of mind" to the customer will be the fact that an agent who has entered their private residence to do a survey for an alarm system has been screened and cleared through a more expansive background check. The background check through the National Crime Information Center provides a criminal history check outside of state boundaries.

The condition which allows the agent to work for 90 days and obtain a board approved identification card will mirror the same condition currently allowed for fire alarm system agents. Requiring the agent to have an updated background check from the Florida Department of Law Enforcement will "refresh" the background information. This will determine that no illegal activity has occurred after initial and continued employment of the burglar alarm agent.

Fire Alarm System Agents

Section 489.5185, F.S., is amended to require two hours of training in false alarm prevention which is included in the initial 14 hour training. It requires that the employer have an additional background check on the agent applying for employment through the National Crime Information Center and the FBI. It requires that the agent, who is the subject of the background check, file a complete set of fingerprints with the Department of Law Enforcement and the FBI. It also requires an updated background check from the Florida Department of Law Enforcement for each agent who renews certification.

According to the department, the requirement for fire alarm system agents to obtain two hours of training in false alarm prevention in the initial 14 hour training may aid the agent in better determining if an activated alarm is a genuine emergency or a fault of the system. Being better educated in the area, the agent's training may also aid in reducing the number of false alarms thus reducing the number of available law enforcement personnel for genuine emergencies. The new requirement for an additional background check through the National Crime Information Center will also, as in the case of the burglar agents, provide for a background check outside of state boundaries. This may help identify any criminal behavior that may preclude the individual from working as an alarm system agent. The effect of performing an updated background check in detecting any criminal behavior through the Florida Department of Law Enforcement for agents that renew their license, may aid in detecting any criminal behavior that may have occurred between initial and continued employment.

Alarm Verification Calls Required

The bill requires for the central monitoring station for residential or commercial intrusion/burglary alarms to make a second call to the premises generating the alarm signal if the first call is not answered.

According to the department, once an alarm has been activated, the effect of allowing for the central monitoring station to place a second call to the premises if a first call is not answered may require more critical thought. There could be a situation in a true emergency where the individual requiring assistance cannot respond. The few seconds it takes to make a second call to verify an alarm activation may mean the difference between an individual receiving timely assistance or not. The current language in the bill states that a second call should be made which makes it unclear whether it is within the discretion of the central monitoring station to make a second call or to dispatch law enforcement after a first call is made.

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:

Certified electrical contractors or licensed fire alarm contractors will incur an additional cost of \$32.00 for the additional background checks of their employee applicants through the FBI. It is also estimated that the alarm system agent and the fire alarm system employee applicants might incur additional minimal costs for obtaining their fingerprints.

C. Government Sector Impact:

The department states that the bill will increase regulation of alarm system agents by requiring additional background checks and specific continuing education requirements for all licensees; however, the extent of the additional regulation is minimal. The department also states that the bill, as it relates to the department's purpose of protecting health, safety, and welfare through its regulatory structure, may be linked to its long – range program plan and budget.

If the requirement for additional training and provision for a second verification call result in fewer false alarms, local law enforcement agency and fire department costs will be reduced by the reduction in the number of alarms.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Criminal Justice:

The amendment deletes a requirement in the bill that a burglar alarm system agent or a fire alarm system agent cannot be employed without having a criminal background check through the National Crime Information Center.