

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 779 Alarm System Registration  
**SPONSOR(S):** Business & Professions Subcommittee; Cortes and others  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 768

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Professions Subcommittee	10 Y, 1 N, As CS	Anderson	Anstead
2) Local Government Affairs Subcommittee			
3) Regulatory Affairs Committee			

### SUMMARY ANALYSIS

The Florida Building Code, ch. 553, Part IV, F.S., applies statewide to all construction, including the installation of alarm systems. The intent of the Florida Building Code is to create a single source of uniform standards for all aspects of construction. Florida currently has a uniform system for alarm system permitting, but does not address alarm system registration.

The bill creates a new section in the Florida Building Code that provides a uniform process for the registration of home and business alarm systems when registration is required by an applicable local ordinance, regulation, or rule.

The bill requires the property owner, lessee, or occupant to file a uniform alarm registration application with the applicable local governmental entity that requires registration within 20 days after installation or activation of an alarm system or occupancy of a property with an activated alarm system. The bill provides the form for the uniform application.

The bill authorizes the applicable local governmental entity to charge the property owner, lessee, or occupant an alarm registration fee of up to \$25. The fee is valid for the registrant's entire occupancy of the property.

The bill requires a contractor to advise an owner, lessee, occupant, or an authorized representative of an owner, lessee, or occupant of property at the time of the alarm system installation that there may be an obligation to register the system.

The bill prohibits an applicable local governmental entity from imposing a civil penalty or fine against an alarm contractor or alarm monitoring company for excessive false alarms and specifies that the owner, lessee, or occupant is responsible for any civil penalties or fines that are assessed or imposed.

The bill is anticipated to lower fees currently imposed by some local jurisdictions, which may result in an indeterminate negative fiscal impact on certain jurisdictions.

The bill provides for an effective date of October 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

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.<sup>1</sup>

Florida defines an alarm system as any electrical device, signaling device, or combination of electrical devices used to signal or detect a burglary, fire, robbery, or medical emergency.<sup>2</sup> Uniform state law controls the installation and permitting of low-voltage alarm system projects, for which a permit is required by a local enforcement agency, including home-automation equipment, thermostats, and video cameras. A local government agency may not adopt an ordinance or rule regarding a low-voltage alarm system that conflicts with state law.<sup>3</sup>

Florida state law places restrictions on alarm system installation and permitting. In order to install a low-voltage alarm system in Florida, current law requires contractors to obtain a permit label from a local government agency when such permit is required by local ordinance or rule. Current law also caps the fee for such permits. If a local enforcement agency requires that a permit be obtained by an alarm system contractor for a low-voltage alarm system project in the jurisdiction, then the local government cannot charge more than \$40 for the permit label.<sup>4</sup>

Florida state law does not currently address alarm system registration requirements. Local enforcement agencies in Florida 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.<sup>5</sup> 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. Typically, most required fees are in the range of \$20-30, but some are \$100 or more.<sup>6</sup> Additionally, some fees are required annually, while others are assessed only at the initial registration. Fines for excessive alarms also vary by local enforcement agency.<sup>7</sup> 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.<sup>8</sup>

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<sup>1</sup> s. 553.71(5), F.S.

<sup>2</sup> s. 489.505(1), F.S.

<sup>3</sup> s. 553.79(9), F.S.

<sup>4</sup> s. 553.793(4), F.S.

<sup>5</sup> 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](http://floridasafeguard.com/?page_id=123) (last visited Jan. 15, 2016).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

## **Effect of bill:**

The bill creates a new section in the Florida Building Code that provides a uniform process for the registration of home and business alarm systems when registration is required by an applicable local ordinance, regulation, or rule. The bill defines the term "applicable local governmental entity" to mean the local enforcement agency or local law enforcement agency responsible for the administration of alarm system registration in a jurisdiction.

The bill requires the owner, lessee, occupant, or an authorized representative of an owner, lessee, or occupant of property to file a uniform alarm registration application with the applicable local governmental entity that requires registration within 20 days after installation or activation of an alarm system or occupancy of a property with an activated alarm system and notify the applicable local governmental entity within 30 days of any change to information submitted in the application.

The bill provides the form for a Uniform Alarm Registration Application and provides that the application may be submitted electronically or by facsimile.

The bill authorizes the applicable local governmental entity to charge the owner, lessee, or occupant an alarm registration fee of up to \$25. The fee is valid for the registrant's entire occupancy of the property.

The bill requires a contractor to advise an owner, lessee, occupant, or an authorized representative of an owner, lessee, or occupant of property at the time of the alarm system installation that there may be an obligation to register the system.

The bill prohibits an applicable local governmental entity from imposing a civil penalty or fine against an alarm contractor or alarm monitoring company for excessive false alarms and specifies that the owner, lessee, or occupant is responsible for any civil penalties or fines that are assessed or imposed.

## **B. SECTION DIRECTORY:**

Section 1 creates s. 553.7931, F.S., to provide a uniform process for the registration of a home or business alarm system when registration is required by an applicable local ordinance, regulation, or rule, and prohibit an applicable local governmental entity from imposing a civil penalty or fine against an alarm contractor or alarm monitoring company for excessive false alarms and specify that the owner, lessee, or occupant is responsible for such penalties or fines.

Section 2 provides an effective date of October 1, 2016.

## **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:**

Indeterminate. The bill will reduce the ability of certain local jurisdictions to raise revenue, specifically reducing the ability of certain jurisdictions to charge more than \$25 for an alarm registration fee. Most local jurisdictions do not charge significantly more than \$25 for the alarm registration fee, so the impact on revenues could be minimal for most local jurisdictions.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill requires homeowners and business owners, when registration is required by the applicable local government entity, to submit a registration application and pay a registration fee upon the installation or activation of an alarm system or upon occupancy of a property with an activated alarm system. The bill also requires that any civil penalties or fines assessed or imposed by the local governmental entity for failure to register an alarm system or for excessive false alarms be assessed on the owner, lessee, or occupant and not the alarm contractor. This may increase or decrease costs associated with alarm systems for homeowners and business owners and may decrease such costs for alarm contractors.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, section 18, of the Florida Constitution may apply because this bill may reduce the authority that counties or municipalities have to raise revenues in the aggregate. However, the insignificant fiscal impact exemption may apply. It appears that a few jurisdictions may have reduced revenue, but the significance is not ascertainable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill provides that civil penalties and fines assessed or imposed by an applicable local governmental entity for excessive false alarms are the responsibility of the owner, lessee, or occupant of the property and prohibits a local ordinance, regulation, or rule from imposing this type of penalty or fine against an alarm contractor or alarm monitoring company. The bill does not include an exception to limit liability for the owner, lessee, or occupant in a situation where the false alarm occurs due to an equipment malfunction. Language could be amended to clarify that a false alarm that occurs due to an equipment malfunction would be exempt from these provisions. Language could be amended to specify that in this type of situation, civil penalties or fines could be assessed on an alarm contractor or alarm monitoring company or to provide the owner, lessee, or occupant with an option for recourse against the alarm monitoring company.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 20, 2016, the Business & Professions Subcommittee adopted two amendments and reported the bill favorably as a committee substitute. The amendments require the Florida license number for an alarm contractor and alarm monitoring company to be included in the uniform alarm registration application and make a technical change to conform bill language.

The staff analysis is drafted to reflect the committee substitute.

