

CHAPTER 97-122

House Bill No. 1307

An act relating to alarm system contracting; amending s. 489.505, F.S.; modifying a definition; amending s. 489.518, F.S.; providing exceptions to training and background check requirements; amending s. 489.529, F.S.; providing an exception to an alarm verification requirement; creating s. 489.5315, F.S.; clarifying occupational licensure requirements; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (26) of section 489.505, Florida Statutes, 1996 Supplement, is amended to read:

489.505 Definitions.—As used in this part:

(26) “Burglar alarm system agent” means a person:

(a) Who is employed by a licensed alarm system contractor or licensed electrical contractor;

(b) Who is performing duties which are an element of an activity which constitutes alarm system contracting requiring licensure under this part; and

(c) Whose specific duties include any of the following: altering, installing, maintaining, moving, repairing, replacing, servicing, selling onsite, or monitoring an intrusion or burglar alarm system for compensation.

Section 2. Section 489.518, Florida Statutes, 1996 Supplement, is amended to read:

489.518 Alarm system agents.—

(1) A licensed electrical or alarm system contractor ~~may shall~~ not employ a person to perform the duties of a burglar ~~an~~ alarm system agent unless the person:

(a) Is at least 18 years of age or has evidence of a court-approved declaration of emancipation.

(b) Has successfully completed a minimum of 12 hours of training, to include basic alarm system electronics in addition to related training including CCTV and access control training. Such training shall be from a board-approved provider, and the employee or applicant for employment shall provide proof of successful completion to the licensed employer. ~~Persons performing only monitoring or sales are not required to complete the training otherwise required for alarm system agents pursuant to this part.~~ The board shall by rule establish criteria for the approval of training courses and providers and may by rule establish criteria for accepting alternative non-classroom education on an hour-for-hour basis. The board shall approve

providers that conduct training in other than the English language. The board shall establish a fee for the approval of training providers or courses, not to exceed \$60. Qualified employers may conduct training classes for their employees, with board approval. Any applicant for employment as an alarm system agent, or any individual employed as an alarm system agent on the effective date of this act, who has been previously trained by any program which, upon application, meets the standards set forth in rule for training providers shall not be required to undergo additional training in order to comply with this paragraph if the training has taken place within the previous 1 year.

(c) Has not been convicted within the last 3 years of a crime that directly relates to the business for which employment is being sought. Although the employee is barred from operating as an alarm system agent for 3 years subsequent to his conviction, the employer shall be supplied the information regarding any convictions occurring prior to that time, and the employer may at his discretion consider an earlier conviction to be a bar to employment as an alarm system agent. To ensure that this requirement has been met, a licensed electrical or alarm contractor must obtain from the Florida Department of Law Enforcement a completed fingerprint and criminal background check for each applicant for employment as a burglar an alarm system agent or for each individual currently employed on the effective date of this act as a burglar an alarm system agent.

(d) Has not been committed for controlled substance abuse or been found guilty of a crime under chapter 893 or a similar law relating to controlled substances in any other state within the 3-year period immediately preceding the date of application for employment, or the effective date of this act for an individual employed as a burglar an alarm system agent on that date, unless he or she establishes that he or she is not currently abusing any controlled substance and has successfully completed a rehabilitation course.

(2)(a) Persons who perform only monitoring or sales are not required to complete the training required for burglar alarm system agents.

(b) Persons who perform only monitoring at an out-of-state location are not required to comply with background check requirements.

(c) Persons who perform proprietary burglar alarm system agent duties for only a single employer, and who do not offer alarm system contracting services to the public, are not required to comply with background check requirements.

(d) Any applicant for employment as a burglar alarm system agent, or any individual employed as a burglar alarm system agent on July 1, 1997, who has completed training between July 1, 1995, and July 1, 1997, in a program that, upon application, meets the standards for training providers need not take additional training in order to comply with this section.

(e) A state-certified electrical contractor, a state-certified alarm system contractor, a state-registered alarm system contractor, a journeyman electrician licensed by any local jurisdiction, or an alarm technician licensed by a local jurisdiction that requires an examination and experience or training

as licensure qualifications, is not required to complete the training required for burglar alarm system agents. A state-registered electrical contractor is not required to complete the training required for burglar alarm system agents, so long as he or she is only doing electrical work up to the alarm panel.

(f) A nonsupervising employee working as a helper or apprentice under the direct, on-site, continuous supervision of a state-certified electrical contractor, a state-registered electrical contractor, a state-certified alarm system contractor, a state-registered alarm system contractor, a journeyman electrician licensed by any local jurisdiction, an alarm technician licensed by a local jurisdiction that requires an examination and experience or training as licensure qualifications, or a qualified alarm system agent is not required to complete the training otherwise required and is not required to be 18 years of age or older.

(3)(2) An applicant for employment as an alarm system agent, or an individual employed as a burglar ~~an~~ alarm system agent on the effective date of this act, may commence or continue employment pending the completion of the required training and the results of the background check required by this section for a period not to exceed 60 days after the date of application for employment, or 60 days after the effective date of this act for individuals currently employed as burglar alarm system agents. However, the person must work under the direction and control of a sponsoring licensed electrical or burglar alarm system contractor pending the completion of the training and the criminal background check. If an applicant or an individual employed on the effective date of this act does not complete the training or receive a satisfactory criminal background check within the 60-day period, the employment must be terminated immediately.

(4)(3)(a) A licensed electrical or alarm system contractor shall furnish each of its burglar alarm system agents with an identification card. The card shall include a picture of the agent, and shall specify at least the name of the holder of the card and the name and license number of the contractor, and shall be signed by the contractor and by the holder of the card. The identification card shall be in the possession of each burglar alarm system agent while engaged in burglar alarm system agent duties.

(b) Each person to whom an identification card has been issued shall be responsible for the safekeeping thereof and shall not loan, or allow any other person to use or display, the identification card.

(5)(4) Failure to comply with any of the provisions of this section shall be a disciplinable offense against the contractor pursuant to s. 489.533.

Section 3. Section 489.529, Florida Statutes, 1996 Supplement, is amended to read:

489.529 Alarm verification calls required.—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 a law enforcement agency for alarm dispatch. However, if the intrusion/burglary alarms have

properly operating visual or auditory sensors that enable the monitoring personnel to verify the alarm signal, verification calling is not required.

Section 4. Section 489.5315, Florida Statutes, is created to read:

489.5315 Proprietary electrical or alarm contractors.—Businesses that obtain an electrical or burglar alarm system license to work only on their own equipment, and that do not offer electrical or alarm contracting services to the public, are not electrical or burglar alarm system contracting businesses and do not have to obtain an occupational license in addition to any they are otherwise required to have.

Section 5. This act shall take effect July 1, 1997.

Became a law without the Governor's approval May 24, 1997.

Filed in Office Secretary of State May 23, 1997.