



Agriculture & Property Rights Subcommittee

**Wednesday, February 22, 2017
1:15 pm
12 HOB**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Agriculture & Property Rights Subcommittee

Start Date and Time: Wednesday, February 22, 2017 01:15 pm
End Date and Time: Wednesday, February 22, 2017 03:15 pm
Location: 12 HOB
Duration: 2.00 hrs

Consideration of the following bill(s):

HB 241 Low-voltage Electric Fences by Williamson

Pursuant to rule 7.11, the deadline for amendments to bills on the agenda by non-appointed members shall be 6:00 p.m., Tuesday, February 21, 2017.

NOTICE FINALIZED on 02/15/2017 4:23PM by Kaiser.Debbi

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 241 Low-voltage Electric Fences
SPONSOR(S): Williamson and others
TIED BILLS: IDEN./SIM. **BILLS:** SB 190

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Property Rights Subcommittee		Thompson	Smith
2) Local, Federal & Veterans Affairs Subcommittee			
3) Commerce Committee			

SUMMARY ANALYSIS

The Florida Building Code, ch. 553, Part IV, F.S., is intended to create a single source of uniform standards for all aspects of construction statewide. Included in the Building Code is a uniform system for the installation permitting of low-voltage alarm systems (a device used to signal or detect a burglary, fire, robbery, or medical emergency).

The bill expands current law regarding the streamlined installation permitting of low-voltage alarm systems to include low-voltage electric fences. Specifically, the bill:

- Defines "low-voltage electric fence" as an alarm system that operates in conjunction with a fence that is no higher than 10 feet and an energizer powered by a commercial storage battery not exceeding 12 volts which produces an electric charge upon contact;
- Adds "new or existing low-voltage electric fence" to the types of projects that constitute a low-voltage alarm system project; and
- Adds "closed-circuit television systems," and "access controls," to the types of ancillary components or equipment attached to a low-voltage alarm system.

To be permitted as a low-voltage alarm system project, the low-voltage electric fence:

- Must not produce an electric charge that exceeds specified energizer characteristics;
- Must be completely surrounded by a nonelectric fence or wall that is not less than 6 feet high;
- Must be identified using warning signs attached to the fence at intervals of not more than 60 feet which read: "Warning—Electric Fence."; and
- May not be installed in areas zoned primarily or exclusively for single-family or multifamily residential use.

The bill has no impact on state funds.

The bill has an effective date of July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED 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 System Contractors

Part II of ch. 489, F.S., regulates electrical and alarm system contracting.² The Electrical Contractors’ Licensing Board within DBPR generally handles the licensing and regulation of electrical and alarm system contractors.³

Low-Voltage Alarm Systems

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.⁴ 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.⁵

Uniform state law streamlines the permitting process for the installation of low-voltage alarm system projects.⁶ 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

¹ s. 553.71(5), F.S.

² s. 489.505(2), F.S., defines an “alarm system contractor I” as an alarm system contractor whose business includes all types of alarm systems for all purposes; and an “alarm system contractor II” as an alarm system contractor whose business includes all types of alarm systems other than fire, for all purposes, except as herein provided. Section 489.505(7), F.S. defines a “certified alarm system contractor as an alarm system contractor who possesses a certificate of competency issued by the Department of Business and Professional Regulation (DBPR). The scope of certification is limited to alarm circuits originating in the alarm control panel and equipment governed by the applicable provisions of Articles 725, 760, 770, 800, and 810 of the National Electrical Code, Current Edition, and National Fire Protection Association Standard 72, Current Edition; and 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; however, this provision governing the scope of certification does not create any mandatory licensure requirement.

³ s. 489.507, F.S.

⁴ s. 489.505(1), F.S.

⁵ s. 553.793(1)(b), F.S., incorporating by reference “low voltage” as defined in the National Electrical Code Standard 70, Current Edition.

⁶ s. 553.793, F.S.

agency of the details of a job prior to installation.⁷ 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.⁸ The local enforcement agency is then authorized to coordinate directly with the property owner or customer for inspection.⁹

Specifically, the law:

- Applies to all low-voltage alarm system projects for which a permit is required by a local enforcement agency;¹⁰
- Authorizes local enforcement agencies to determine whether to require permitting for low-voltage alarm systems;¹¹
- Prohibits local enforcement agencies from charging more than \$40 for a permit;¹²
- 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;¹³
- Requires the permits to be valid for one year from the date of purchase;¹⁴
- Requires the permits to only be used in the jurisdiction where they are issued;¹⁵
- 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;¹⁶
- 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;¹⁷
- Exempts a contractor from notifying the local enforcement agency before commencing work on a low-voltage alarm system project;¹⁸
- 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;¹⁹
- 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;²⁰
- 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;²¹
- 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;²²
- If a low-voltage alarm system project fails an inspection, requires the contractor to take corrective action as necessary to pass inspection;²³ 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.²⁴

⁷ Id.

⁸ Id.

⁹ Id.

¹⁰ s. 553.793(2), F.S.

¹¹ Id.

¹² s. 553.793(4), F.S.

¹³ Id.

¹⁴ s. 553.793(4)(b), F.S.

¹⁵ Id.

¹⁶ s. 553.793(4)(a), F.S.

¹⁷ s. 553.793(5), F.S.

¹⁸ s. 553.793(6), F.S.

¹⁹ Id.

²⁰ Id.

²¹ s. 553.793(7), F.S.

²² s. 553.793(8), F.S.

²³ Id.

²⁴ s. 553.793(10), F.S.

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 systems that is inconsistent with the streamlined low-voltage alarm system installation permitting of s. 553.793, F.S..²⁵

Effect of Proposed Changes

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,” and “access controls,” 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 operates in conjunction with a fence that is no higher than 10 feet and an energizer powered by a commercial storage battery not exceeding 12 volts which produces an electric charge upon contact.

To be permitted as a low-voltage alarm system project, the low-voltage electric fence:

- May not produce an electric charge, upon contact, that exceeds energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission Standard No. 60335-2-76, Current Edition;
- Must be completely surrounded by a nonelectric fence or wall that is not less than 6 feet high;
- Must be identified using warning signs attached to the fence at intervals of not more than 60 feet which read: “Warning—Electric Fence.”; and
- May not be installed in areas zoned primarily or exclusively for single-family or multifamily residential use.²⁶

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.

B. SECTION DIRECTORY:

Section 1 amends s. 553.793, F.S., relating to streamlined low-voltage alarm system contracting.

Section 2 provides an effective date of July 1, 2017.

²⁵ s. 553.793(9), F.S.

²⁶ The bill references “residential area” as used and defined in s. 316.2163(3), F.S., which relates to the authorized use of golf carts, low-speed vehicles, and utility vehicles upon state, county, or municipal roads located within the corporate limits of municipalities. That section defines “residential area” as “areas zoned primarily or exclusively for single-family or multifamily residential use.”

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill has no fiscal impact on state revenues.

2. Expenditures:

The bill has no fiscal impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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.

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.

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 the bill may reduce the authority that counties or municipalities have to raise revenues in the aggregate; however, the insignificant fiscal impact exemption may apply.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to low-voltage electric fences;
 3 amending s. 553.793, F.S.; redefining the term "low-
 4 voltage alarm system project"; defining the term "low-
 5 voltage electric fence"; providing requirements for a
 6 low-voltage electric fence to be permitted as a low-
 7 voltage alarm system project; conforming a cross-
 8 reference; providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Subsection (1) of section 553.793, Florida
 13 Statutes, is amended, present subsections (3) through (10) are
 14 redesignated as subsections (4) through (11), respectively, a
 15 new subsection (3) is added to that section, and subsection (6)
 16 of that section is amended, to read:

17 553.793 Streamlined low-voltage alarm system installation
 18 permitting.-

19 (1) As used in this section, the term:

20 (a) "Contractor" means a person who is qualified to engage
 21 in the business of electrical or alarm system contracting
 22 pursuant to a certificate or registration issued by the
 23 department under part II of chapter 489.

24 (b) "Low-voltage alarm system project" means a project
 25 related to the installation, maintenance, inspection,

26 replacement, or service of a new or existing alarm system, as
 27 defined in s. 489.505, that is hardwired and operating at low
 28 voltage, as defined in the National Electrical Code Standard 70,
 29 Current Edition, or a new or existing low-voltage electric
 30 fence, and ancillary components or equipment attached to such a
 31 system, including, but not limited to, home-automation
 32 equipment, thermostats, closed-circuit television systems,
 33 access controls, and video cameras.

34 (c) "Low-voltage electric fence" means an alarm system, as
 35 defined in s. 489.505, that operates in conjunction with a fence
 36 that is no higher than 10 feet and an energizer powered by a
 37 commercial storage battery not exceeding 12 volts which produces
 38 an electric charge upon contact.

39 (d) "Wireless alarm system" means a burglar alarm system
 40 or smoke detector that is not hardwired.

41 (3) A low-voltage electric fence must meet all of the
 42 following requirements to be permitted as a low-voltage alarm
 43 system project:

44 (a) The electric charge produced by the fence upon contact
 45 does not exceed energizer characteristics set forth in paragraph
 46 22.108 and depicted in Figure 102 of International
 47 Electrotechnical Commission Standard No. 60335-2-76, Current
 48 Edition.

49 (b) The low-voltage electric fence must be completely
 50 surrounded by a nonelectric fence or wall that is not less than

51 6 feet high.

52 (c) The low-voltage electric fence must be identified
 53 using warning signs attached to the fence at intervals of not
 54 more than 60 feet which read: "Warning-Electric Fence."

55 (d) The low-voltage electric fence may not be installed in
 56 a residential area as defined in s. 316.2126(3).

57 (7)(6) A contractor is not required to notify the local
 58 enforcement agency before commencing work on a low-voltage alarm
 59 system project. However, a contractor must submit a Uniform
 60 Notice of a Low-Voltage Alarm System Project as provided under
 61 subsection (8) ~~(7)~~ to the local enforcement agency within 14
 62 days after completing the project. A local enforcement agency
 63 may take disciplinary action against a contractor who fails to
 64 timely submit a Uniform Notice of a Low-Voltage Alarm System
 65 Project.

66 Section 2. This act shall take effect July 1, 2017.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Agriculture & Property
2 Rights Subcommittee
3 Representative Williamson offered the following:
4
5

Amendment

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (1) of section 553.793, Florida
8 Statutes, is amended, present subsections (3) through (10) are
9 redesignated as subsections (4) through (11), respectively, a
10 new subsection (3) is added to that section, and subsection (6)
11 of that section is amended, to read:

12 553.793 Streamlined low-voltage alarm system installation
13 permitting.-

14 (1) As used in this section, the term:

15 (a) "Contractor" means a person who is qualified to engage
16 in the business of electrical or alarm system contracting



Amendment No. 1

17 pursuant to a certificate or registration issued by the
18 department under part II of chapter 489.

19 (b) "Low-voltage alarm system project" means a project
20 related to the installation, maintenance, inspection,
21 replacement, or service of a new or existing alarm system, as
22 defined in s. 489.505, that is hardwired and operating at low
23 voltage, as defined in the National Electrical Code Standard 70,
24 Current Edition, or a new or existing low-voltage electric
25 fence, and ancillary components or equipment attached to such a
26 system or fence, including, but not limited to, home-automation
27 equipment, thermostats, closed-circuit television systems,
28 access controls, battery recharging devices, and video cameras.

29 (c) "Low-voltage electric fence" means an alarm system, as
30 defined in s. 489.505, that consists of a fence structure and an
31 energizer powered by a commercial storage battery not exceeding
32 12 volts which produces an electric charge upon contact with the
33 fence structure.

34 (d) "Wireless alarm system" means a burglar alarm system
35 or smoke detector that is not hardwired.

36 (3) A low-voltage electric fence must meet all of the
37 following requirements to be permitted as a low-voltage alarm
38 system project and no further permit shall be required for the
39 low-voltage alarm system project other than as provided in this
40 section:



Amendment No. 1

41 (a) The electric charge produced by the fence upon contact
42 does not exceed energizer characteristics set forth in paragraph
43 22.108 and depicted in Figure 102 of International
44 Electrotechnical Commission Standard No. 60335-2-76, Current
45 Edition.

46 (b) A nonelectric fence or wall must surround the
47 perimeter of the low-voltage electric fence. The low-voltage
48 electric fence may be up to 2 feet higher than the perimeter
49 nonelectric fence or wall.

50 (c) The low-voltage electric fence must be identified
51 using warning signs attached to the fence at intervals of not
52 more than 60 feet.

53 (d) The low-voltage electric fence may not be installed in
54 an area zoned primarily or exclusively for single-family or
55 multi-family residential use.

56 (7) ~~(6)~~ A contractor is not required to notify the local
57 enforcement agency before commencing work on a low-voltage alarm
58 system project. However, a contractor must submit a Uniform
59 Notice of a Low-Voltage Alarm System Project as provided under
60 subsection (8) ~~(7)~~ to the local enforcement agency within 14
61 days after completing the project. A local enforcement agency
62 may take disciplinary action against a contractor who fails to
63 timely submit a Uniform Notice of a Low-Voltage Alarm System
64 Project.

65 Section 2. This act shall take effect July 1, 2017.