

By Senator Clary

7-1652A-98

1                                   A bill to be entitled  
2           An act relating to contracting; amending s.  
3           489.103, F.S.; providing exemptions from  
4           regulation for the sale, delivery, assembly, or  
5           tie-down of prefabricated portable sheds under  
6           certain conditions; amending s. 489.105, F.S.;  
7           revising and providing definitions applicable  
8           to contractors; amending s. 489.107, F.S.;  
9           eliminating reference to board jurisdiction  
10          over examinations; requiring the Construction  
11          Industry Licensing Board and the Electrical  
12          Contractors' Licensing Board to each appoint a  
13          committee to meet jointly at least twice a  
14          year; amending s. 489.113, F.S.; providing that  
15          expansion of the scope of practice of any type  
16          of contractor does not limit the scope of  
17          practice of any existing type of contractor  
18          unless the Legislature expressly provides such  
19          limitation; repealing s. 489.1135, F.S., which  
20          provides for certification of underground  
21          utility and excavation contractors; creating s.  
22          489.1136, F.S.; providing for medical gas  
23          certification for plumbing contractors who  
24          install, improve, repair, or maintain conduits  
25          used to transport gaseous or partly gaseous  
26          substances for medical purposes; requiring  
27          certain coursework; requiring an examination  
28          for certain persons; providing for discipline  
29          and penalties; providing a definition; amending  
30          s. 553.06, F.S.; providing that plumbing  
31          contractors who install, improve, repair, or

1 maintain such conduits shall be governed by the  
2 National Fire Prevention Association Standard  
3 99C; amending s. 489.115, F.S.; authorizing  
4 certificateholders and registrants to apply  
5 continuing education courses earned under other  
6 regulatory provisions under certain  
7 circumstances; amending s. 489.119, F.S.;  
8 detailing what constitutes an incomplete  
9 contract for purposes of work allowed a  
10 business organization under temporary  
11 certification or registration; amending s.  
12 489.140, F.S.; eliminating a provision that  
13 requires the transfer of surplus moneys from  
14 fines into the Construction Industries Recovery  
15 Fund; amending s. 489.141, F.S.; clarifying  
16 provisions relating to conditions for recovery  
17 from the fund; eliminating a notice  
18 requirement; revising a limitation on the  
19 making of a claim; amending s. 489.142, F.S.;  
20 revising a provision relating to powers of the  
21 Construction Industry Licensing Board with  
22 respect to actions for recovery from the fund,  
23 to conform; amending s. 489.143, F.S.; revising  
24 provisions relating to payment from the fund;  
25 amending s. 489.503, F.S., relating to  
26 exemptions from part II of chapter 489, F.S.,  
27 relating to electrical and alarm system  
28 contracting; revising an exemption that applies  
29 to telecommunications, community antenna  
30 television, and radio distribution systems, to  
31 include cable television systems; providing

1 exemptions relating to the monitoring of alarm  
2 systems by law enforcement employees or  
3 officers or fire department employees or  
4 officials, by employees of state or federally  
5 chartered financial institutions, or by  
6 employees of a business; amending s. 489.505,  
7 F.S., and repealing subsection (24), relating  
8 to the definition of "limited burglar alarm  
9 system contractor"; redefining terms applicable  
10 to electrical and alarm system contracting;  
11 defining the term "monitoring"; amending s.  
12 489.507, F.S.; requiring the Electrical  
13 Contractors' Licensing Board and the  
14 Construction Industry Licensing Board to each  
15 appoint a committee to meet jointly at least  
16 twice a year; amending s. 489.509, F.S.;  
17 eliminating reference to the payment date of  
18 the biennial renewal fee for certificateholders  
19 and registrants; eliminating an inconsistent  
20 provision relating to failure to renew an  
21 active or inactive certificate or registration;  
22 providing for transfer of a portion of certain  
23 fees applicable to regulation of electrical and  
24 alarm system contracting to fund certain  
25 projects relating to the building construction  
26 industry and continuing education programs  
27 related thereto; amending s. 489.511, F.S.;  
28 revising eligibility requirements for  
29 certification as an electrical or alarm system  
30 contractor; authorizing the taking of the  
31 certification examination more than three times

1 and providing requirements with respect  
2 thereto; eliminating an obsolete provision;  
3 amending s. 489.513, F.S.; revising  
4 registration requirements for electrical  
5 contractors; amending s. 489.517, F.S.;  
6 authorizing certificateholders and registrants  
7 to apply continuing education courses earned  
8 under other regulatory provisions under certain  
9 circumstances; providing for verification of  
10 public liability and property damage insurance;  
11 amending s. 489.519, F.S.; authorizing  
12 certificateholders and registrants to apply for  
13 voluntary inactive status at any time during  
14 the period of certification or registration;  
15 authorizing a person passing the certification  
16 examination and applying for licensure to place  
17 his or her license on inactive status without  
18 having to qualify a business; amending s.  
19 489.521, F.S.; providing conditions on  
20 qualifying agents qualifying more than one  
21 business organization; providing for revocation  
22 or suspension of such qualification for  
23 improper supervision; providing technical  
24 changes; amending s. 489.525, F.S.; revising  
25 reporting requirements of the Department of  
26 Business and Professional Regulation to local  
27 boards and building officials; providing  
28 applicability with respect to information  
29 provided on the Internet; amending s. 489.533,  
30 F.S.; revising and providing grounds for  
31 discipline; providing penalties; reenacting s.

1           489.518(5), F.S., relating to alarm system  
2           agents, to incorporate the amendment to s.  
3           489.533, F.S., in a reference thereto; amending  
4           s. 489.537, F.S.; authorizing registered  
5           electrical contractors to install raceways for  
6           alarm systems; providing that licensees under  
7           pt. II, ch. 489, F.S., are subject, as  
8           applicable, to certain provisions relating to  
9           local occupational license taxes; amending ss.  
10          489.539, 553.19, F.S.; updating electrical and  
11          alarm standards; adding a national code  
12          relating to fire alarms to the minimum  
13          electrical and alarm standards required in this  
14          state; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. Subsections (17) and (18) are added to  
19 section 489.103, Florida Statutes, to read:

20           489.103 Exemptions.--This part does not apply to:

21           (17) The sale, delivery, assembly, or tie-down of  
22 prefabricated portable sheds that are not more than 250 square  
23 feet in interior size and are not intended for use as a  
24 residence or as living quarters. This exemption may not be  
25 construed to interfere with local building codes, local  
26 licensure requirements, or other local ordinance provisions.

27           (18) Any one-family, two-family, or three-family  
28 residence constructed by Habitat for Humanity International,  
29 Inc., or its local affiliates. Habitat for Humanity  
30 International, Inc., or its local affiliates, must:

31           (a) Obtain all necessary building permits; and

1           (b) Obtain all required building inspections.

2           Section 2. Paragraphs (a), (d), (f), (g), (h), (i),  
3 (l), and (n) of subsection (3) of section 489.105, Florida  
4 Statutes, are amended, and subsection (19) is added to that  
5 section, to read:

6           489.105 Definitions.--As used in this part:

7           (3) "Contractor" means the person who is qualified  
8 for, and shall only be responsible for, the project contracted  
9 for and means, except as exempted in this part, the person  
10 who, for compensation, undertakes to, submits a bid to, or  
11 does himself or herself or by others construct, repair, alter,  
12 remodel, add to, demolish, subtract from, or improve any  
13 building or structure, including related improvements to real  
14 estate, for others or for resale to others; and whose job  
15 scope is substantially similar to the job scope described in  
16 one of the subsequent paragraphs of this subsection. For the  
17 purposes of regulation under this part, "demolish" applies  
18 only to demolition of steel tanks over 50 feet in height;  
19 towers over 50 feet in height; other structures over 50 feet  
20 in height, other than buildings or residences over three  
21 stories tall; and buildings or residences over three stories  
22 tall. Contractors are subdivided into two divisions, Division  
23 I, consisting of those contractors defined in paragraphs  
24 (a)-(c), and Division II, consisting of those contractors  
25 defined in paragraphs (d)-(q):

26           (a) "General contractor" means a contractor whose  
27 services are unlimited as to the type of work which he or she  
28 may do, who may contract for any activity requiring licensure  
29 under this part, and who may perform any work requiring  
30 licensure under this part, except as otherwise expressly  
31 provided in s. 489.113 ~~this part.~~

1           (d) "Sheet metal contractor" means a contractor whose  
2 services are unlimited in the sheet metal trade and who has  
3 the experience, knowledge, and skill necessary for the  
4 manufacture, fabrication, assembling, handling, erection,  
5 installation, dismantling, conditioning, adjustment,  
6 insulation, alteration, repair, servicing, or design, when not  
7 prohibited by law, of ferrous or nonferrous metal work of U.S.  
8 No. 10 gauge or its equivalent or lighter gauge and of other  
9 materials, including, but not limited to, fiberglass, used in  
10 lieu thereof and of air-handling systems, including the  
11 setting of air-handling equipment and reinforcement of same,  
12 ~~and including~~ the balancing of air-handling systems, and any  
13 duct cleaning and equipment sanitizing which requires at least  
14 a partial disassembling of the system.

15           (f) "Class A air-conditioning contractor" means a  
16 contractor whose services are unlimited in the execution of  
17 contracts requiring the experience, knowledge, and skill to  
18 install, maintain, repair, fabricate, alter, extend, or  
19 design, when not prohibited by law, central air-conditioning,  
20 refrigeration, heating, and ventilating systems, including  
21 duct work in connection with a complete system only to the  
22 extent such duct work is performed by the contractor as is  
23 necessary to make complete an air-distribution system, boiler  
24 and unfired pressure vessel systems, and all appurtenances,  
25 apparatus, or equipment used in connection therewith, and any  
26 duct cleaning and equipment sanitizing which requires at least  
27 a partial disassembling of the system; to install, maintain,  
28 repair, fabricate, alter, extend, or design, when not  
29 prohibited by law, piping, insulation of pipes, vessels and  
30 ducts, pressure and process piping, and pneumatic control  
31 piping; to replace, disconnect, or reconnect power wiring on

1 the load side of the dedicated existing electrical disconnect  
2 switch; to install, disconnect, and reconnect low voltage  
3 heating, ventilating, and air-conditioning control wiring; and  
4 to install a condensate drain from an air-conditioning unit to  
5 an existing safe waste or other approved disposal other than a  
6 direct connection to a sanitary system. The scope of work for  
7 such contractor shall also include any excavation work  
8 incidental thereto, but shall not include any work such as  
9 liquefied petroleum or natural gas fuel lines within  
10 buildings, potable water lines or connections thereto,  
11 sanitary sewer lines, swimming pool piping and filters, or  
12 electrical power wiring.

13 (g) "Class B air-conditioning contractor" means a  
14 contractor whose services are limited to 25 tons of cooling  
15 and 500,000 Btu of heating in any one system in the execution  
16 of contracts requiring the experience, knowledge, and skill to  
17 install, maintain, repair, fabricate, alter, extend, or  
18 design, when not prohibited by law, central air-conditioning,  
19 refrigeration, heating, and ventilating systems, including  
20 duct work in connection with a complete system only to the  
21 extent such duct work is performed by the contractor as is  
22 necessary to make complete an air-distribution system being  
23 installed under this classification, and any duct cleaning and  
24 equipment sanitizing which requires at least a partial  
25 disassembling of the system; to install, maintain, repair,  
26 fabricate, alter, extend, or design, when not prohibited by  
27 law, piping and insulation of pipes, vessels, and ducts; to  
28 replace, disconnect, or reconnect power wiring on the load  
29 side of the dedicated existing electrical disconnect switch;  
30 to install, disconnect, and reconnect low voltage heating,  
31 ventilating, and air-conditioning control wiring; and to



1 install a condensate drain from an air-conditioning unit to an  
2 existing safe waste or other approved disposal other than a  
3 direct connection to a sanitary system. The scope of work for  
4 such contractor shall also include any excavation work  
5 incidental thereto, but shall not include any work such as  
6 liquefied petroleum or natural gas fuel lines within  
7 buildings, potable water lines or connections thereto,  
8 sanitary sewer lines, swimming pool piping and filters, or  
9 electrical power wiring.

10 (h) "Class C air-conditioning contractor" means a  
11 contractor whose business is limited to the servicing of  
12 air-conditioning, heating, or refrigeration systems, including  
13 any duct cleaning and equipment sanitizing which requires at  
14 least a partial disassembling of the system ~~alterations in~~  
15 ~~connection with those systems he or she is servicing~~, and  
16 whose certification or registration, issued pursuant to this  
17 part, was valid on October 1, 1988. No person not previously  
18 registered or certified as a Class C air-conditioning  
19 contractor as of October 1, 1988, shall be so registered or  
20 certified after October 1, 1988. However, the board shall  
21 continue to license and regulate those Class C  
22 air-conditioning contractors who held Class C licenses prior  
23 to October 1, 1988.

24 (i) "Mechanical contractor" means a contractor whose  
25 services are unlimited in the execution of contracts requiring  
26 the experience, knowledge, and skill to install, maintain,  
27 repair, fabricate, alter, extend, or design, when not  
28 prohibited by law, central air-conditioning, refrigeration,  
29 heating, and ventilating systems, including duct work in  
30 connection with a complete system only to the extent such duct  
31 work is performed by the contractor as is necessary to make

1 complete an air-distribution system, boiler and unfired  
2 pressure vessel systems, lift station equipment and piping,  
3 and all appurtenances, apparatus, or equipment used in  
4 connection therewith, and any duct cleaning and equipment  
5 sanitizing which requires at least a partial disassembling of  
6 the system; to install, maintain, repair, fabricate, alter,  
7 extend, or design, when not prohibited by law, piping,  
8 insulation of pipes, vessels and ducts, pressure and process  
9 piping, pneumatic control piping, gasoline tanks and pump  
10 installations and piping for same, standpipes, air piping,  
11 vacuum line piping, oxygen lines, nitrous oxide piping, ink  
12 and chemical lines, fuel transmission lines, and natural gas  
13 fuel lines within buildings; to replace, disconnect, or  
14 reconnect power wiring on the load side of the dedicated  
15 existing electrical disconnect switch; to install, disconnect,  
16 and reconnect low voltage heating, ventilating, and  
17 air-conditioning control wiring; and to install a condensate  
18 drain from an air-conditioning unit to an existing safe waste  
19 or other approved disposal other than a direct connection to a  
20 sanitary system. The scope of work for such contractor shall  
21 also include any excavation work incidental thereto, but shall  
22 not include any work such as liquefied petroleum gas fuel  
23 lines within buildings, potable water lines or connections  
24 thereto, sanitary sewer lines, swimming pool piping and  
25 filters, or electrical power wiring.

26 (1) "Swimming pool/spa servicing contractor" means a  
27 contractor whose scope of work involves the servicing and  
28 repair of any swimming pool or hot tub or spa, whether public  
29 or private. The scope of such work may include any necessary  
30 piping and repairs, replacement and repair of existing  
31 equipment, or installation of new additional equipment as

1 necessary. The scope of such work includes the reinstallation  
2 of tile and coping, repair and replacement of all piping,  
3 filter equipment, and chemical feeders of any type,  
4 replastering, reconstruction of decks, and reinstallation or  
5 addition of pool heaters. The installation, construction,  
6 modification, substantial or complete disassembly, or  
7 replacement of equipment permanently attached to and  
8 associated with the pool or spa for the purpose of water  
9 treatment or cleaning of the pool or spa requires licensure;  
10 however, the usage of such equipment for the purposes of water  
11 treatment or cleaning shall not require licensure unless the  
12 usage involves construction, modification, substantial or  
13 complete disassembly, or replacement of such equipment. Water  
14 treatment that does not require such equipment does not  
15 require a license. In addition, a license shall not be  
16 required for the cleaning of the pool or spa in any way that  
17 does not affect the structural integrity of the pool or spa or  
18 its associated equipment.

19 (n) "Underground utility and excavation contractor"  
20 means a contractor whose services are limited to the  
21 construction, installation, and repair, on public or private  
22 property, whether accomplished through open excavations or  
23 through other means, including, but not limited to,  
24 directional drilling, auger boring, jacking and boring,  
25 trenchless technologies, wet and dry taps, grouting, and slip  
26 lining, of main sanitary sewer collection systems, main water  
27 distribution systems, storm sewer collection systems, and the  
28 continuation of utility lines from the main systems to a point  
29 of termination up to and including the meter location for the  
30 individual occupancy, sewer collection systems at property  
31 line on residential or single-occupancy commercial properties,

1 or on multioccupancy properties at manhole or wye lateral  
2 extended to an invert elevation as engineered to accommodate  
3 future building sewers, water distribution systems, or storm  
4 sewer collection systems at storm sewer structures. However,  
5 an underground utility and excavation contractor may install  
6 empty underground conduits in rights-of-way, easements,  
7 platted rights-of-way in new site development, and sleeves for  
8 parking lot crossings no smaller than 2 inches in diameter,  
9 provided that each conduit system installed is designed by a  
10 licensed professional engineer or an authorized employee of a  
11 municipality, county, or public utility and that the  
12 installation of any such conduit does not include installation  
13 of any conductor wiring or connection to an energized  
14 electrical system. An underground utility and excavation  
15 contractor shall not install any piping that is an integral  
16 part of a fire protection system as defined in s. 633.021(7)  
17 beginning at the point where the piping is used exclusively  
18 for such system.

19 (19) "Initial issuance" means the first time a  
20 certificate or registration is granted to an individual or  
21 business organization, including the first time an individual  
22 becomes a qualifying agent for that business organization and  
23 the first time a business organization is qualified by that  
24 individual.

25 Section 3. Subsections (4) and (6) of section 489.107,  
26 Florida Statutes, are amended to read:

27 489.107 Construction Industry Licensing Board.--

28 (4) The board shall be divided into two divisions,  
29 Division I and Division II.

30 (a) Division I is comprised of the general contractor,  
31 building contractor, and residential contractor members of the

1 board; one of the members appointed pursuant to paragraph  
2 (2)(j); and one of the members appointed pursuant to paragraph  
3 (2)(k). Division I has jurisdiction over the ~~examination and~~  
4 regulation of general contractors, building contractors, and  
5 residential contractors.

6 (b) Division II is comprised of the roofing  
7 contractor, sheet metal contractor, air-conditioning  
8 contractor, mechanical contractor, pool contractor, plumbing  
9 contractor, and underground utility and excavation contractor  
10 members of the board; one of the members appointed pursuant to  
11 paragraph (2)(j); and one of the members appointed pursuant to  
12 paragraph (2)(k). Division II has jurisdiction over the  
13 ~~examination and~~ regulation of contractors defined in s.  
14 489.105(3)(d)-(p).

15 (c) Jurisdiction for the ~~examination and~~ regulation of  
16 specialty contractors defined in s. 489.105(3)(q) shall lie  
17 with the division having jurisdiction over the scope of work  
18 of the specialty contractor as defined by board rule.

19 (6) The Construction Industry Licensing Board and the  
20 Electrical Contractors' Licensing Board shall each appoint a  
21 committee to meet jointly in joint session at least twice a  
22 year.

23 Section 4. Subsection (10) of section 489.113, Florida  
24 Statutes, is amended to read:

25 489.113 Qualifications for practice; restrictions.--

26 (10) The addition of a new type of contractor or the  
27 expansion of the scope of practice of any type of contractor  
28 under this part shall not limit the scope of practice of any  
29 existing type of contractor under this part unless the  
30 Legislature expressly provides such a limitation.

31

1           Section 5. Section 489.1135, Florida Statutes, is  
2 repealed.

3           Section 6. Section 489.1136, Florida Statutes, is  
4 created to read:

5           489.1136 Medical gas certification.--

6           (1)(a) In addition to the certification or  
7 registration required to engage in business as a plumbing  
8 contractor, any plumbing contractor who wishes to engage in  
9 the business of installation, improvement, repair, or  
10 maintenance of any tubing, pipe, or similar conduit used to  
11 transport gaseous or partly gaseous substances for medical  
12 purposes shall take, as part of the contractor's continuing  
13 education requirement, at least once during the holding of  
14 such license, a course of at least of 6 hours. Such course  
15 shall be given by an instructional facility or teaching entity  
16 that has been approved by the board. In order for a course to  
17 be approved, the board must find that the course is designed  
18 to teach familiarity with the National Fire Prevention  
19 Association Standard 99C (Standard on Gas and Vacuum Systems,  
20 latest edition) and also designed to teach familiarity and  
21 practical ability in performing and inspecting brazing duties  
22 required of medical gas installation, improvement, repair, or  
23 maintenance work. Such course shall issue a certificate of  
24 completion to the taker of the course, which certificate shall  
25 be available for inspection by any entity or person seeking to  
26 have such contractor engage in the business of installation,  
27 improvement, repair, or maintenance of a medical gas system.

28           (b) Any other natural person who is employed by a  
29 licensed plumbing contractor to provide work on the  
30 installation, improvement, repair, or maintenance of a medical  
31 gas system, except as noted in paragraph (c), shall, as a

1 prerequisite to his or her ability to provide such service,  
2 take a course approved by the board. Such course shall be at  
3 least 8 hours and consist of both classroom and practical work  
4 designed to teach familiarity with the National Fire  
5 Prevention Association Standard 99C (Standard on Gas and  
6 Vacuum Systems, latest edition) and also designed to teach  
7 familiarity and practical ability in performing and inspecting  
8 brazing duties required of medical gas installation,  
9 improvement, repair, or maintenance work. Such course shall  
10 also include the administration of a practical examination in  
11 the skills required to perform work as outlined above,  
12 including brazing, and each examination shall be reasonably  
13 constructed to test for knowledge of the subject matter. The  
14 person taking such course and examination must, upon  
15 successful completion of both, be issued a certificate of  
16 completion by the giver of such course, which certificate  
17 shall be made available by the holder for inspection by any  
18 person or entity seeking to have such person perform work on  
19 the installation, improvement, repair, or maintenance of a  
20 medical gas system.

21 (c) Any other natural person who wishes to perform  
22 only brazing duties incidental to the installation,  
23 improvement, repair, or maintenance of a medical gas system  
24 shall pass an examination designed to show that person's  
25 familiarity with and practical ability in performing brazing  
26 duties required of medical gas installation, improvement,  
27 repair, or maintenance. Such examination shall be from a test  
28 approved by the board. Such examination must test for  
29 knowledge of National Fire Prevention Association Standard 99C  
30 (Standard on Gas and Vacuum Systems, latest edition). The  
31 person taking such examination must, upon passing such

1 examination, be issued a certificate of completion by the  
2 giver of such examination, and such certificate shall be made  
3 available by the holder for inspection by any person or entity  
4 seeking to have or employ such person to perform brazing  
5 duties on a medical gas system.

6 (d) It is the responsibility of the licensed plumbing  
7 contractor to ascertain whether members of his or her  
8 workforce are in compliance with this subsection, and such  
9 contractor is subject to discipline under s. 489.129 for  
10 violation of this subsection.

11 (e) Training programs in medical gas piping  
12 installation, improvement, repair, or maintenance shall be  
13 reviewed annually by the board to ensure that programs have  
14 been provided equitably across the state.

15 (f) Periodically, the board shall review training  
16 programs in medical gas piping installation for quality in  
17 content and instruction in accordance with the National Fire  
18 Prevention Association Standard 99C (Standard on Gas and  
19 Vacuum Systems, latest edition). The board shall also respond  
20 to complaints regarding approved programs.

21 (g) Training required under this section for current  
22 licensees must be met by October 1, 2000.

23 (2)(a) On any job site where a medical gas system is  
24 being installed, improved, repaired, or maintained, it is  
25 required that a person qualified under paragraph (1)(a) or  
26 paragraph (1)(b) must be present. When any brazing work is  
27 performed by a person qualified under paragraph (1)(c), a  
28 person qualified under paragraph (1)(a) or paragraph (1)(b)  
29 must be present.

30 (b) It is the responsibility of the licensed  
31 contractor to ascertain whether members of his or her



1 workforce are in compliance with paragraph (a), and such  
2 contractor is subject to discipline under s. 489.129 for  
3 violation of this subsection.

4 (3) The term "medical" as used in this section means  
5 any medicinal, life-supporting, or health-related purpose. Any  
6 and all gaseous or partly gaseous substance used in medical  
7 patient care and treatment shall be presumed for the purpose  
8 of this section to be used for medical purposes.

9 Section 7. Subsection (4) is added to section 553.06,  
10 Florida Statutes, to read:

11 553.06 State Plumbing Code.--

12 (4) All installations, improvements, maintenance, or  
13 repair relating to tubing, pipe, or similar conduit used to  
14 transport gaseous or partly gaseous substances for medical  
15 purposes shall be governed and regulated under National Fire  
16 Prevention Association Standard 99C (Standard on Gas and  
17 Vacuum Systems, latest edition). Notwithstanding the  
18 prohibition of s. 553.11, no county or municipality is exempt  
19 or excepted from the requirements of this subsection.

20 Section 8. Paragraph (b) of subsection (4) of section  
21 489.115, Florida Statutes, is amended, and subsection (7) is  
22 added to that section, to read:

23 489.115 Certification and registration; endorsement;  
24 reciprocity; renewals; continuing education.--

25 (4)

26 (b)1. Each certificateholder or registrant shall  
27 provide proof, in a form established by rule of the board,  
28 that the certificateholder or registrant has completed at  
29 least 14 classroom hours of at least 50 minutes each of  
30 continuing education courses during each biennium since the  
31 issuance or renewal of the certificate or registration. The

1 board shall establish by rule that a portion of the required  
2 14 hours must deal with the subject of workers' compensation,  
3 business practices, and workplace safety. The board shall by  
4 rule establish criteria for the approval of continuing  
5 education courses and providers, including requirements  
6 relating to the content of courses and standards for approval  
7 of providers, and may by rule establish criteria for accepting  
8 alternative nonclassroom continuing education on an  
9 hour-for-hour basis.

10           2. In addition, the board may approve specialized  
11 continuing education courses on compliance with the wind  
12 resistance provisions for one and two family dwellings  
13 contained in the State Minimum Building Codes and any  
14 alternate methodologies for providing such wind resistance  
15 which have been approved for use by the Board of Building  
16 Codes and Standards. Division I certificateholders or  
17 registrants who demonstrate proficiency upon completion of  
18 such specialized courses may certify plans and specifications  
19 for one and two family dwellings to be in compliance with the  
20 code or alternate methodologies, as appropriate, except for  
21 dwellings located in floodways or coastal hazard areas as  
22 defined in ss. 60.3D and E of the National Flood Insurance  
23 Program.

24           (7) If a certificateholder or registrant holds a  
25 license under both this part and part II and is required to  
26 have continuing education courses under s. 489.517(3), the  
27 certificateholder or registrant may apply those course hours  
28 for workers' compensation, workplace safety, and business  
29 practices obtained under part II to the requirements under  
30 this part.

31

1           Section 9. Paragraph (a) of subsection (3) of section  
2 489.119, Florida Statutes, is amended to read:

3           489.119 Business organizations; qualifying agents.--

4           (3)(a) The qualifying agent shall be certified or  
5 registered under this part in order for the business  
6 organization to be issued a certificate of authority in the  
7 category of the business conducted for which the qualifying  
8 agent is certified or registered. If any qualifying agent  
9 ceases to be affiliated with such business organization, he or  
10 she shall so inform the department. In addition, if such  
11 qualifying agent is the only certified or registered  
12 contractor affiliated with the business organization, the  
13 business organization shall notify the department of the  
14 termination of the qualifying agent and shall have 60 days  
15 from the termination of the qualifying agent's affiliation  
16 with the business organization in which to employ another  
17 qualifying agent. The business organization may not engage in  
18 contracting until a qualifying agent is employed, unless the  
19 executive director or chair of the board has granted a  
20 temporary nonrenewable certificate or registration to the  
21 financially responsible officer, the president, a partner, or,  
22 in the case of a limited partnership, the general partner, who  
23 assumes all responsibilities of a primary qualifying agent for  
24 the entity. This temporary certificate or registration shall  
25 only allow the entity to proceed with incomplete contracts ~~as~~  
26 ~~defined in s. 489.121.~~ For the purposes of this paragraph, an  
27 incomplete contract is one which has been awarded to, or  
28 entered into by, the business organization prior to the  
29 cessation of affiliation of the qualifying agent with the  
30 business organization or one on which the business  
31 organization was the low bidder and the contract is

1 subsequently awarded, regardless of whether any actual work  
2 has commenced under the contract prior to the qualifying agent  
3 ceasing to be affiliated with the business organization.

4 Section 10. Section 489.140, Florida Statutes, is  
5 amended to read:

6 489.140 Construction Industries Recovery Fund.--There  
7 is created the Florida Construction Industries Recovery Fund  
8 as a separate account in the Professional Regulation Trust  
9 Fund.

10 (1) The Florida Construction Industries Recovery Fund  
11 shall be disbursed as provided in s. 489.143, on order of the  
12 board, as reimbursement to any natural person adjudged by a  
13 court of competent jurisdiction to have suffered monetary  
14 damages, or to whom the licensee has been ordered to pay  
15 restitution by the board, where the judgment or restitution  
16 order is based on a violation of s. 489.129(1)(d), (h), (k),  
17 or (l), committed by any contractor, financially responsible  
18 officer, or business organization licensed under the  
19 provisions of this part at the time the violation was  
20 committed, and providing that the violation occurs after July  
21 1, 1993.

22 (2) The Construction Industries Recovery Fund shall be  
23 funded out of the receipts deposited in the Professional  
24 Regulation Trust Fund from the one-half cent per square foot  
25 surcharge on building permits collected and disbursed pursuant  
26 to s. 468.631.

27 ~~(3) In addition, any surplus of moneys collected from~~  
28 ~~the fines imposed by the board and collected by the department~~  
29 ~~shall be transferred into the Construction Industries Recovery~~  
30 ~~Fund.~~

31

1 Section 11. Section 489.141, Florida Statutes, is  
2 amended to read:

3 489.141 Conditions for recovery; eligibility.--

4 (1) Any person is eligible to seek recovery from the  
5 Construction Industries Recovery Fund after having made a  
6 claim and exhausting the limits of any available bond, cash  
7 bond, surety, guarantee, warranty, letter of credit, or policy  
8 of insurance, if:

9 (a) Such person has received final judgment in a court  
10 of competent jurisdiction in this state in any action wherein  
11 the cause of action was based on a construction contract or  
12 the Construction Industry Licensing Board has issued a final  
13 order directing the licensee to pay restitution to the  
14 claimant based upon a violation of s. 489.129(1)(d), (h), (k),  
15 or (l), where the contract was executed and the violation  
16 occurred on or after July 1, 1993, and provided that:

17 ~~1. At the time the action was commenced, such person~~  
18 ~~gave notice thereof to the board by certified mail; except~~  
19 ~~that, if no notice has been given to the board, the claim may~~  
20 ~~still be honored if the board finds good cause to waive the~~  
21 ~~notice requirement;~~

22 1.a.2. Such person has caused to be issued a writ of  
23 execution upon such judgment, and the officer executing the  
24 writ has made a return showing that no personal or real  
25 property of the judgment debtor or licensee liable to be  
26 levied upon in satisfaction of the judgment can be found or  
27 that the amount realized on the sale of the judgment debtor's  
28 or licensee's property pursuant to such execution was  
29 insufficient to satisfy the judgment; or

30 ~~b.3.~~ If such person is unable to comply with  
31 sub-subparagraph a. subparagraph 2. for a valid reason to be

1 determined by the board, such person has made all reasonable  
2 searches and inquiries to ascertain whether the judgment  
3 debtor or licensee is possessed of real or personal property  
4 or other assets subject to being sold or applied in  
5 satisfaction of the judgment and by his or her search has  
6 discovered no property or assets or has discovered property  
7 and assets and has taken all necessary action and proceedings  
8 for the application thereof to the judgment but the amount  
9 thereby realized was insufficient to satisfy the judgment; or

10 2.(b) The claimant has made a diligent attempt, as  
11 defined by board rule, to collect the restitution awarded by  
12 the board; ~~and~~

13 (b)(c) A claim for recovery is made within 2 years  
14 from the time of the act giving rise to the claim or within 2  
15 years from the time the act is discovered or should have been  
16 discovered with the exercise of due diligence; however, in no  
17 event may a claim for recovery be made more than 4 years after  
18 the date of the act giving rise to the claim or more than 1  
19 year after the conclusion of any civil or administrative  
20 action based on the act, whichever is later; and

21 (c)(d) Any amounts recovered by such person from the  
22 judgment debtor or licensee, or from any other source, have  
23 been applied to the damages awarded by the court or the amount  
24 of restitution ordered by the board; and

25 (d)(e) Such person is not a person who is precluded by  
26 this act from making a claim for recovery.

27 (2) A person is not qualified to make a claim for  
28 recovery from the Construction Industries Recovery Fund, if:

29 (a) The claimant is the spouse of the judgment debtor  
30 or licensee or a personal representative of such spouse;

31

1           (b) The claimant is a licensee ~~certificateholder or~~  
2 ~~registrant~~ who acted as the contractor in the transaction  
3 which is the subject of the claim;

4           (c) Such person's claim is based upon a construction  
5 contract in which the licensee ~~certificateholder or registrant~~  
6 was acting with respect to the property owned or controlled by  
7 the licensee ~~certificateholder or registrant~~;

8           (d) Such person's claim is based upon a construction  
9 contract in which the contractor did not hold a valid and  
10 current license at the time of the construction contract; or

11           (e) Such person was associated in a business  
12 relationship with the licensee ~~certificateholder or registrant~~  
13 other than the contract at issue.

14           (f) Such person has suffered damages as the result of  
15 making improper payments to a contractor as defined in chapter  
16 713, part I.

17           Section 12. Section 489.142, Florida Statutes, is  
18 amended to read:

19           489.142 Board powers relating to recovery upon  
20 ~~notification of commencement of action.--With respect to~~  
21 actions for recovery from the Construction Industries Recovery  
22 Fund ~~When the board receives certified notice of any action,~~  
23 ~~as required by s. 489.141(1)(a),~~ the board may intervene,  
24 enter an appearance, file an answer, defend the action, or  
25 take any action it deems appropriate and may take recourse  
26 through any appropriate method of review on behalf of the  
27 State of Florida.

28           Section 13. Section 489.143, Florida Statutes, is  
29 amended to read:

30           489.143 Payment from the fund.--

31

1           (1) Any person who meets all of the conditions  
2 prescribed in s. 489.141(1) may apply to the board to cause  
3 payment to be made to such person from the Construction  
4 Industries Recovery Fund in an amount equal to the judgment or  
5 restitution order, exclusive of postjudgment interest, against  
6 the licensee certificateholder or \$25,000, whichever is less,  
7 or an amount equal to the unsatisfied portion of such person's  
8 judgment or restitution order, exclusive of postjudgment  
9 interest, or \$25,000, whichever is less, but only to the  
10 extent and amount reflected in the judgment or restitution  
11 order as being actual or compensatory damages. The fund is not  
12 obligated to pay ~~any portion of any judgment, or any judgment~~  
13 or restitution order, or any portion thereof, which is not  
14 expressly based on one of the grounds for recovery set forth  
15 in s. 489.140(1).

16           (2) Upon receipt by a claimant under subsection (1) of  
17 payment from the Construction Industries Recovery Fund, the  
18 claimant shall assign his or her additional right, title, and  
19 interest in the judgment or restitution order, to the extent  
20 of such payment, to the board, and thereupon the board shall  
21 be subrogated to the right, title, and interest of the  
22 claimant; and any amount subsequently recovered on the  
23 judgment or restitution order by the board, to the extent of  
24 the right, title, and interest of the board therein, shall be  
25 for the purpose of reimbursing the Construction Industries  
26 Recovery Fund.

27           (3) Payments for claims arising out of the same  
28 transaction shall be limited, in the aggregate, to \$25,000,  
29 regardless of the number of claimants involved in the  
30 transaction.

31



1           (4) Payments for claims against any one licensee  
2 ~~certificateholder or registrant~~ shall not exceed, in the  
3 aggregate, \$100,000.

4           (5) Claims shall be paid in the order filed, up to the  
5 aggregate limits for each transaction and licensee and to the  
6 limits of the amount appropriated to pay claims against the  
7 fund for the fiscal year in which the claims were filed.

8           (6) If the annual appropriation is exhausted with  
9 claims pending, such claims shall be carried forward to the  
10 next fiscal year. Any moneys in excess of pending claims  
11 remaining in the Construction Industries Recovery Fund at the  
12 end of the fiscal year shall be paid as provided in s.  
13 468.631.

14           ~~(5) If at any time the claims pending against the fund~~  
15 ~~exceed 80 percent of the fund balance plus anticipated revenue~~  
16 ~~for the next two quarters, the board shall accept no further~~  
17 ~~claims until such time as the board is given express~~  
18 ~~authorization and funding from the Legislature.~~

19           (7)(6) Upon the payment of any amount from the  
20 Construction Industries Recovery Fund in settlement of a claim  
21 in satisfaction of a judgment or restitution order against a  
22 licensee certificateholder as described in s. 489.141(1), the  
23 license of such licensee certificateholder shall be  
24 automatically suspended, without further administrative  
25 action, upon the date of payment from the fund. The license of  
26 such licensee certificateholder shall not be reinstated until  
27 he or she has repaid in full, plus interest, the amount paid  
28 from the fund. A discharge of bankruptcy does not relieve a  
29 person from the penalties and disabilities provided in this  
30 section.

31

1           Section 14. Subsection (14) of section 489.503,  
2 Florida Statutes, is amended, and subsections (17), (18), and  
3 (19) are added to that section, to read:

4           489.503 Exemptions.--This part does not apply to:

5           (14) The installation of, repair of, alteration of,  
6 addition to, or design of electrical wiring, fixtures,  
7 appliances, thermostats, apparatus, raceways, and conduit, or  
8 any part thereof, when those items are for the purpose of  
9 transmitting data, voice communications, or commands as part  
10 of:

11           (a) A system of telecommunications, including  
12 computers, telephone customer premises equipment, or premises  
13 wiring; or

14           (b) A cable television, community antenna television,  
15 or radio distribution system.

16  
17 The scope of this exemption is limited to electrical circuits  
18 and equipment governed by the applicable provisions of  
19 Articles 725 (Classes 2 and 3 circuits only), 770, 800, 810,  
20 and 820 of the National Electrical Code, current edition, or  
21 47 C.F.R. part 68. Additionally, a company certified under  
22 chapter 364 is not subject to any local ordinance that  
23 requires a permit for work performed by its employees related  
24 to low voltage electrical work, including related technical  
25 codes and regulations. This exemption shall apply only if such  
26 work is requested by the company's customer, is required in  
27 order to complete phone service, is incidental to provision of  
28 telecommunication service as required by chapter 364, and is  
29 not actively competitive in nature or the subject of a  
30 competitive bid. The definition of "employee" established in  
31

1 subsection (1) applies to this exemption and does not include  
2 subcontractors.

3 (17) The monitoring of an alarm system without fee by  
4 a direct employee of a law enforcement agency or of a county,  
5 municipal, or special-district fire department or by a law  
6 enforcement officer or fire official acting in an official  
7 capacity.

8 (18) The monitoring of an alarm system by a direct  
9 employee of any state or federally chartered financial  
10 institution, as defined in s. 655.005(1)(h), or any parent,  
11 affiliate, or subsidiary thereof, so long as:

12 (a) The institution is subject to, and in compliance  
13 with, s. 3 of the Federal Bank Protection Act of 1968, 12  
14 U.S.C. s. 1882;

15 (b) The alarm system is in compliance with all  
16 applicable firesafety standards as set forth in chapter 633;  
17 and

18 (c) The monitoring is limited to an alarm system  
19 associated with:

20 1. The commercial property where banking operations  
21 are housed or where other operations are conducted by a state  
22 or federally chartered financial institution, as defined in s.  
23 655.005(1)(h), or any parent, affiliate, or subsidiary  
24 thereof; or

25 2. The private property occupied by the institution's  
26 executive officers, as defined in s. 655.005(1)(f),  
27  
28 and does not otherwise extend to the monitoring of residential  
29 systems.

30 (19) The monitoring of an alarm system of a business  
31 by the direct employees of that business, so long as:

1           (a) The alarm system is the exclusive property of, or  
2 is leased by, the business;

3           (b) The alarm system complies with all applicable  
4 firesafety standards as set forth in chapter 633; and

5           (c) The alarm system is designed to protect only the  
6 commercial premises leased by the business endeavor or  
7 commercial premises owned by the business endeavor and not  
8 leased to another.

9  
10 This exemption is intended to allow businesses to monitor  
11 their own alarm systems and is not limited to monitoring a  
12 single location of that business. However, it is not intended  
13 to enable the owner of any apartment complex, aggregate  
14 housing, or commercial property to monitor alarm systems on  
15 property leased or rented to the residents, clients, or  
16 customers thereof.

17           Section 15. Subsection (24) of section 489.505,  
18 Florida Statutes, is repealed, subsections (1), (7), (19), and  
19 (23) are amended, present subsections (25), (26), and (27) are  
20 redesignated as subsections (24), (25), and (26),  
21 respectively, and a new subsection (27) is added to that  
22 section, to read:

23           489.505 Definitions.--As used in this part:

24           (1) "Alarm system" means any electrical device,  
25 signaling device, or combination of electrical devices used to  
26 signal or detect ~~a situation which causes an alarm in the~~  
27 ~~event of a burglary, fire, robbery, or medical emergency, or~~  
28 ~~equipment failure.~~

29           (7) "Certified alarm system contractor" means an alarm  
30 system contractor who possesses a certificate of competency  
31 issued by the department. The scope of certification is

1 limited to alarm circuits originating in the alarm control  
2 panel and equipment governed by the applicable provisions of  
3 Articles 725, 760, 770, 800, and 810 of the National  
4 Electrical Code, Current Edition, and National Fire Protection  
5 Association Standard 72, Current Edition. The scope of  
6 certification for alarm system contractors also includes the  
7 installation, repair, fabrication, erection, alteration,  
8 addition, or design of electrical wiring, fixtures,  
9 appliances, thermostats, apparatus, raceways, and conduit, or  
10 any part thereof not to exceed 77 volts, when those items are  
11 for the purpose of transmitting data or proprietary video  
12 (satellite systems that are not part of a community antenna  
13 television or radio distribution system) or providing central  
14 vacuum capability or electric locks; however, this provision  
15 governing the scope of certification does not create any  
16 mandatory licensure requirement.

17 (19) "Specialty contractor" means a contractor whose  
18 scope of practice is limited to a specific segment of  
19 electrical or alarm system contracting, including, but not  
20 limited to, residential electrical contracting, maintenance of  
21 electrical fixtures, ~~installation and maintenance of~~  
22 ~~elevators~~, and fabrication, erection, installation, and  
23 maintenance of electrical ~~outdoor~~ advertising signs together  
24 with the interrelated parts and supports thereof. Categories  
25 of specialty contractor shall be established by board rule.

26 (23) "Registered residential alarm system contractor"  
27 means an alarm system contractor whose business is limited to  
28 burglar alarm systems in single-family residential, quadruplex  
29 housing, and mobile homes ~~and to fire alarm systems~~ of a  
30 residential occupancy class and who is registered with the  
31 department pursuant to s. 489.513 or s. 489.537(8). The board

1 shall define "residential occupancy class" by rule. A  
2 registered residential alarm system contractor may contract  
3 only in the jurisdiction for which his or her registration is  
4 issued.

5 ~~(24) "Limited burglar alarm system contractor" means~~  
6 ~~an alarm system contractor whose business is limited to the~~  
7 ~~installation of burglar alarms in single-family homes and~~  
8 ~~two-family homes, mobile homes, and small commercial buildings~~  
9 ~~having a square footage of not more than 5,000 square feet and~~  
10 ~~who is registered with the department pursuant to s. 489.513~~  
11 ~~or s. 489.537(8).~~

12 (24)~~(25)~~ "Licensure" means any type of certification  
13 or registration provided for in this part.

14 (25)~~(26)~~ "Burglar alarm system agent" means a person:

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

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

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

24 (26)~~(27)~~ "Personal emergency response system" means  
25 any device which is simply plugged into a telephone jack or  
26 electrical receptacle and which is designed to initiate a  
27 telephone call to a person who responds to, or has a  
28 responsibility to determine the proper response to, personal  
29 emergencies.

30 (27) "Monitoring" means to receive electrical or  
31 electronic signals, originating from any building within the

1 state, produced by any security, medical, fire, or burglar  
2 alarm, closed circuit television camera, or related or similar  
3 protective system and to initiate a response thereto. A  
4 person shall not have committed the act of monitoring if:

5 (a) The person is an occupant of, or an employee  
6 working within, protected premises;

7 (b) The person initiates emergency action in response  
8 to hearing or observing an alarm signal;

9 (c) The person's action is incidental to his or her  
10 primary responsibilities; and

11 (d) The person is not employed in a proprietary  
12 monitoring facility, as defined by the National Fire  
13 Protection Association pursuant to rule adopted under chapter  
14 633.

15 Section 16. Subsection (5) of section 489.507, Florida  
16 Statutes, is amended to read:

17 489.507 Electrical Contractors' Licensing Board.--

18 (5) The Electrical Contractors' Licensing Board and  
19 the Construction Industry Licensing Board shall each appoint a  
20 committee to meet jointly in ~~joint session~~ at least twice a  
21 year.

22 Section 17. Section 489.509, Florida Statutes, is  
23 amended to read:

24 489.509 Fees.--

25 (1) The board, by rule, shall establish fees to be  
26 paid for applications, examination, reexamination, transfers,  
27 licensing and renewal, reinstatement, and recordmaking and  
28 recordkeeping. The examination fee shall be in an amount that  
29 covers the cost of obtaining and administering the examination  
30 and shall be refunded if the applicant is found ineligible to  
31 sit for the examination. The application fee is nonrefundable.

1 The fee for initial application and examination for  
2 certification of electrical contractors may not exceed \$400.  
3 The initial application fee for registration may not exceed  
4 \$150. The biennial renewal fee may not exceed \$400 for  
5 certificateholders and \$200 for registrants, ~~and shall be paid~~  
6 ~~by June 30 of each biennial period.~~ The fee for initial  
7 application and examination for certification of alarm system  
8 contractors may not exceed \$400. The biennial renewal fee for  
9 certified alarm system contractors may not exceed \$450. The  
10 board may establish a fee for a temporary certificate as an  
11 alarm system contractor not to exceed \$75. The board may also  
12 establish by rule a delinquency fee not to exceed \$50. ~~Failure~~  
13 ~~to renew an active or inactive certificate or registration~~  
14 ~~within 90 days after the date of renewal will result in the~~  
15 ~~certificate or registration becoming delinquent.~~ The fee to  
16 transfer a certificate or registration from one business  
17 organization to another may not exceed \$200. The fee for  
18 reactivation of an inactive license may not exceed \$50. The  
19 board shall establish fees that are adequate to ensure the  
20 continued operation of the board. Fees shall be based on  
21 department estimates of the revenue required to implement this  
22 part and the provisions of law with respect to the regulation  
23 of electrical contractors and alarm system contractors.

24 (2) A person who is registered or holds a valid  
25 certificate ~~from the board~~ may go on inactive status during  
26 which time he or she shall not engage in contracting, but may  
27 retain the certificate or registration on an inactive basis,  
28 on payment of a renewal fee during the inactive period, not to  
29 exceed \$50 per renewal period.

30 (3) Four dollars of each fee under subsection (1) paid  
31 to the department at the time of application or renewal shall



1 be transferred at the end of each licensing period to the  
2 Department of Education to fund projects relating to the  
3 building construction industry or continuing education  
4 programs offered to persons engaged in the building  
5 construction industry in Florida. The board shall, at the time  
6 the funds are transferred, advise the Department of Education  
7 on the most needed areas of research or continuing education  
8 based on significant changes in the industry's practices or on  
9 the most common types of consumer complaints or on problems  
10 costing the state or local governmental entities substantial  
11 waste. The board's advice is not binding on the Department of  
12 Education. The Department of Education must allocate 50  
13 percent of the funds to a graduate program in building  
14 construction in a Florida university and 50 percent of the  
15 funds to all accredited private and state universities and  
16 community colleges within the state offering approved courses  
17 in building construction, with each university or college  
18 receiving a pro rata share of such funds based upon the number  
19 of full-time building construction students enrolled at the  
20 institution. The Department of Education shall ensure the  
21 distribution of research reports and the availability of  
22 continuing education programs to all segments of the building  
23 construction industry to which they relate. The Department of  
24 Education shall report to the board in October of each year,  
25 summarizing the allocation of the funds by institution and  
26 summarizing the new projects funded and the status of  
27 previously funded projects. The Commissioner of Education is  
28 directed to appoint one electrical contractor and one  
29 certified alarm system contractor to the Building Construction  
30 Industry Advisory Committee.

31

1           Section 18. Paragraph (a) of subsection (2),  
2 subsection (3), and paragraph (b) of subsection (5) of section  
3 489.511, Florida Statutes, are amended to read:

4           489.511 Certification; application; examinations;  
5 endorsement.--

6           (2)(a) A person shall be entitled to take the  
7 certification examination for the purpose of determining  
8 whether he or she is qualified to engage in contracting  
9 throughout the state as a contractor if the person:

- 10           1. Is at least 18 years of age;  
11           2. Is of good moral character; and  
12           3. Meets eligibility requirements according to one of  
13 the following criteria:

14           a. Has, within the 6 years immediately preceding the  
15 filing of the application, at least 3 years' proven management  
16 experience in the trade or education equivalent thereto, or a  
17 combination thereof, but not more than one-half of such  
18 experience may be educational equivalent;

19           b. Has, within the 8 years immediately preceding the  
20 filing of the application, at least 4 years' experience as a  
21 ~~foreman, supervisor, or~~ contractor in the trade for which he  
22 or she is making application;

23           c. Has, within the 12 years immediately preceding the  
24 filing of the application, at least 6 years of comprehensive  
25 training, technical education, or supervisory ~~broad~~ experience  
26 associated with an electrical or alarm system contracting  
27 business, or at least 6 years of technical experience in  
28 electrical or alarm system work with the Armed Forces or a  
29 governmental entity installation or servicing endeavor; or

30           d. Has, within the 12 years immediately preceding the  
31 filing of the application, been licensed for 3 years as a

1 professional an engineer who is qualified by education,  
2 training, or experience to practice electrical engineering; or  
3 e. Has any combination of qualifications under  
4 sub-subparagraphs a.-c. totaling 6 years of experience.

5 (3) On or after October 1, 1998, every applicant who  
6 is qualified shall be allowed to take the examination three  
7 times, notwithstanding the number of times the applicant has  
8 previously failed the examination. If an applicant fails the  
9 examination three times after October 1, 1998, the board shall  
10 require the applicant to complete additional college-level or  
11 technical education courses in the areas of deficiency, as  
12 determined by the board, as a condition of future eligibility  
13 to take the examination. The applicant must also submit a new  
14 application that meets all certification requirements at the  
15 time of its submission and must pay all appropriate fees.~~Any~~  
16 ~~registered unlimited electrical contractor or certified or~~  
17 ~~registered specialty contractor who, prior to October 1, 1987,~~  
18 ~~passed an examination determined by the board to be~~  
19 ~~substantially equivalent to the examination required for~~  
20 ~~certification as either an unlimited electrical contractor or~~  
21 ~~an alarm system contractor and who has satisfied the other~~  
22 ~~requirements of this section shall be certified as an alarm~~  
23 ~~system contractor I without further examination.~~

24 (5)

25 (b) For those specialty electrical or alarm system  
26 contractors applying for certification under this part who  
27 work in jurisdictions that do not require local licensure for  
28 those activities for which the applicant desires to be  
29 certified, the experience requirement may be met by  
30 demonstrating at least 6 years of comprehensive training,  
31 technical education, or supervisory broad experience, within

1 the 12 years immediately preceding the filing of the  
2 application, in the type of specialty electrical or alarm  
3 system work for which certification is desired. An affidavit  
4 signed by the applicant's employer stating that the applicant  
5 performed the work required under this paragraph shall be  
6 sufficient to demonstrate to the board that the applicant has  
7 met the experience requirement.

8 Section 19. Subsection (3) of section 489.513, Florida  
9 Statutes, is amended to read:

10 489.513 Registration; application; requirements.--

11 ~~(3)(a) To be registered as an electrical contractor,~~  
12 ~~the applicant shall file evidence of holding a current~~  
13 ~~occupational license or a current license issued by any~~  
14 ~~municipality or county of the state for the type of work for~~  
15 ~~which registration is desired, on a form provided by the~~  
16 ~~department, together with evidence of successful compliance~~  
17 ~~with the local examination and licensing requirements, if any,~~  
18 ~~in the area for which registration is desired, accompanied by~~  
19 ~~the registration fee fixed pursuant to this part. No~~  
20 ~~examination may be required for registration as an electrical~~  
21 ~~contractor except for any examination required by a local~~  
22 ~~government to obtain the local licensure.~~

23 ~~(b)~~ To be registered as an electrical contractor, an  
24 alarm system contractor I, an alarm system contractor II, or a  
25 residential alarm system contractor, the applicant shall file  
26 evidence of holding a current occupational license or a  
27 current license issued by any municipality or county of the  
28 state for the type of work for which registration is desired,  
29 on a form provided by the department, if such a license is  
30 required by that municipality or county, together with  
31 evidence of having passed an appropriate local examination,

1 written or oral, designed to test skills and knowledge  
2 relevant to the technical performance of the profession,  
3 accompanied by the registration fee fixed pursuant to this  
4 part. For any person working or wishing to work in any local  
5 jurisdiction which does not issue a local license as an  
6 electrical or alarm system contractor or does not require an  
7 examination for its license, the applicant may apply and shall  
8 be considered qualified to be issued a registration in the  
9 appropriate electrical or alarm system category, provided that  
10 he or she shows that he or she has scored at least 75 percent  
11 on an examination which is substantially equivalent to the  
12 examination approved by the board for certification in the  
13 category and that he or she has had at least 3 years'  
14 technical experience in the trade. The requirement to take and  
15 pass an examination in order to obtain a registration shall  
16 not apply to persons making application prior to the effective  
17 date of this act.

18 Section 20. Subsections (4) and (5) are added to  
19 section 489.517, Florida Statutes, to read:

20 489.517 Renewal of certificate or registration;  
21 continuing education.--

22 (4)(a) If a certificateholder or registrant holds a  
23 license under both this part and part I and is required to  
24 have continuing education courses under s. 489.115(4)(b)1.,  
25 the certificateholder or registrant may apply those course  
26 hours for workers' compensation, workplace safety, and  
27 business practices obtained under part I to the requirements  
28 under this part.

29 (b) Of the 14 classroom hours of continuing education  
30 required, at least 7 hours must be on technical subjects, 1  
31

1 hour on workers' compensation, 1 hour on workplace safety, and  
2 1 hour on business practices.

3 (5) By applying for renewal, each certificateholder or  
4 registrant certifies that he or she has continually maintained  
5 the required amounts of public liability and property damage  
6 insurance as specified by board rule. The board shall  
7 establish by rule a procedure to verify the public liability  
8 and property damage insurance for a specified period, based  
9 upon a random sampling method.

10 Section 21. Section 489.519, Florida Statutes, is  
11 amended to read:

12 489.519 Inactive status.--

13 (1) A certificate or registration that has become  
14 inactive may be reactivated under s. 489.517 upon application  
15 to the department. The board may prescribe, by rule,  
16 continuing education requirements as a condition of  
17 reactivating a certificate or registration. The continuing  
18 education requirements for reactivating a certificate or  
19 registration may not exceed 12 classroom hours for each year  
20 the certificate or registration was inactive.

21 (2) Notwithstanding any provision of s. 455.271 to the  
22 contrary, a certificateholder or registrant may apply to the  
23 department for voluntary inactive status at any time during  
24 the period of certification or registration.

25 (3)~~(2)~~ The board shall impose, by rule, continuing  
26 education requirements for ~~voluntary~~ inactive  
27 certificateholders, when ~~voluntary~~ inactive status is sought  
28 by certificateholders who are also building code  
29 administrators, plans examiners, or inspectors certified  
30 pursuant to part XIII of chapter 468.

31

1           (4) After January 1, 1999, any person who passes the  
2 certification examination must submit an application either to  
3 qualify a business or to place the person's license on  
4 inactive status.

5           Section 22. Section 489.521, Florida Statutes, is  
6 amended to read:

7           489.521 Business organizations; qualifying agents.--

8           (1) If an individual proposes to engage in contracting  
9 as a sole proprietorship, certification, ~~when granted,~~ shall  
10 be issued ~~only~~ in the name of that individual. If a fictitious  
11 name is used, the applicant shall furnish evidence of  
12 statutory compliance.

13           (2)(a)1. If the applicant proposing to engage in  
14 contracting is a partnership, corporation, business trust, or  
15 other legal entity, other than a sole proprietorship, the  
16 application shall state the name of the partnership and its  
17 partners; the name of the corporation and its officers and  
18 directors and the name of each of its stockholders who is also  
19 an officer or director; the name of the business trust and its  
20 trustees; or the name of such other legal entity and its  
21 members. In addition, the applicant shall furnish evidence of  
22 statutory compliance if a fictitious name is used. ~~Such~~  
23 ~~application shall also show that the qualifying agent is~~  
24 ~~legally qualified to act for the business organization in all~~  
25 ~~matters connected with its electrical or alarm system~~  
26 ~~contracting business and that he or she has authority to~~  
27 ~~supervise electrical or alarm system contracting undertaken by~~  
28 ~~such business organization.~~A joint venture, including a joint  
29 venture composed of qualified business organizations, is  
30 itself a separate and distinct organization that shall be  
31 qualified in accordance with board rules. The registration or

1 certification, when issued upon application of a business  
2 organization, shall be in the name of the qualifying agent,  
3 and the name of the business organization shall be noted  
4 thereon. If there is a change in any information that is  
5 required to be stated on the application, the business  
6 organization shall, within 45 days after such change occurs,  
7 mail the correct information to the department.

8           2. Any person certified or registered pursuant to this  
9 part who has had his or her license revoked shall not be  
10 eligible for a 5-year period to be a partner, officer,  
11 director, or trustee of a business organization as defined by  
12 this section. Such person shall also be ineligible to reapply  
13 for certification or registration under this part for a period  
14 of 5 years.

15           (b) The applicant ~~application~~ shall also show that the  
16 proposed qualifying agent is legally qualified to act for the  
17 business organization in all matters connected with its  
18 electrical or alarm system contracting business and concerning  
19 regulations by the board and that he or she has authority to  
20 supervise electrical or alarm system contracting ~~work~~  
21 undertaken by the business organization.

22           (c) The proposed qualifying agent shall demonstrate  
23 that he or she possesses the required skill, knowledge, and  
24 experience to qualify the business organization in the  
25 following manner:

26           1. Having met the qualifications provided in s.  
27 489.511 and been issued a certificate of competency pursuant  
28 to the provisions of s. 489.511; or

29           2. Having demonstrated that he or she possesses the  
30 required experience and education requirements provided in s.

31



1 489.511 which would qualify him or her as eligible to take the  
2 certification examination.

3 (3)(a) The applicant ~~business organization~~ shall  
4 furnish evidence of financial responsibility, credit, and  
5 business reputation of the business organization, as well as  
6 the name of the qualifying agent. The board shall adopt rules  
7 defining financial responsibility based upon the business  
8 organization's credit history, ability to be bonded, and any  
9 history of bankruptcy or assignment of receivers. Such rules  
10 shall specify the financial responsibility grounds on which  
11 the board may determine that a business organization is not  
12 qualified to engage in contracting.

13 (b) In the event a qualifying agent must take the  
14 certification examination, the board shall, within 60 days  
15 from the date of the examination, inform the business  
16 organization in writing whether or not its qualifying agent  
17 has qualified.

18 (c) If the qualifying agent of a business organization  
19 applying to engage in contracting, after having been notified  
20 to do so, does not appear for examination within 1 year from  
21 the date of filing of the application, the examination fee  
22 paid by it shall be credited as an earned fee to the  
23 department. A new application to engage in contracting shall  
24 be accompanied by another application fee fixed pursuant to  
25 this act. Forfeiture of a fee may be waived by the board for  
26 good cause.

27 (d) Once the board has determined that the business  
28 organization's proposed qualifying agent has qualified, the  
29 business organization shall be authorized to engage in the  
30 contracting business. The certificate, when issued, shall be  
31

1 in the name of the qualifying agent, and the name of the  
2 business organization shall be noted thereon.

3 (4) As a prerequisite to the initial issuance ~~or the~~  
4 ~~renewal~~ of a certificate, the applicant ~~certificateholder~~ or  
5 the business organization he or she qualifies shall submit  
6 evidence ~~an affidavit on a form provided by the board~~  
7 ~~attesting to the fact~~ that he or she or the business  
8 organization has obtained public liability and property damage  
9 insurance for the safety and welfare of the public in an  
10 amount to be determined by board rule ~~by the board~~. ~~The board~~  
11 ~~shall by rule establish a procedure to verify the accuracy of~~  
12 ~~such affidavits based upon a random sample method. In addition~~  
13 ~~to the affidavit of insurance, as a prerequisite to the~~  
14 ~~initial issuance of a certificate, the applicant shall furnish~~  
15 ~~evidence of financial responsibility, credit, and business~~  
16 ~~reputation of either himself or herself or the business~~  
17 ~~organization he or she desires to qualify. The board shall~~  
18 ~~adopt rules defining financial responsibility based upon the~~  
19 ~~credit history, ability to be bonded, and any history of~~  
20 ~~bankruptcy or assignment of receivers. Such rules shall~~  
21 ~~specify the financial responsibility grounds on which the~~  
22 ~~board may refuse to qualify an applicant to engage in the~~  
23 ~~contracting business. If, within 60 days from the date the~~  
24 ~~certificateholder or business organization is notified that he~~  
25 ~~or she has qualified, he or she does not provide the evidence~~  
26 ~~required, he or she shall apply to the department for an~~  
27 ~~extension of time which shall be granted upon a showing of~~  
28 ~~just cause. Thereupon, the board shall certify to the~~  
29 ~~department that the certificateholder or the business~~  
30 ~~organization is competent and qualified to engage in~~

31

1 ~~contracting. However, the provisions of this subsection do not~~  
2 ~~apply to inactive certificates.~~

3       (5) At least one officer ~~member~~ or supervising  
4 employee of the business organization must be qualified under  
5 this act in order for the business organization to be  
6 qualified to engage in contracting in the category of the  
7 business conducted ~~for which the member or supervising~~  
8 ~~employee is qualified.~~ If any individual so qualified on  
9 behalf of the business organization ceases to qualify ~~be~~  
10 ~~affiliated with~~ the business organization, he or she shall  
11 notify the board and the department thereof within 30 days  
12 after such occurrence. In addition, if the individual is the  
13 only ~~qualified~~ individual who qualifies ~~affiliated with~~ the  
14 business organization, the business organization shall notify  
15 the board and the department of the individual's termination,  
16 and it shall have a period of 60 days from the termination of  
17 the individual ~~individual's affiliation with the business~~  
18 ~~organization in which~~ to qualify another person under the  
19 provision of this act, failing which, the board shall  
20 determine that the business organization is no longer  
21 qualified to engage in contracting. The individual shall also  
22 inform the board in writing when he or she proposes to engage  
23 in contracting in his or her own name or in affiliation with  
24 another business organization, and the individual, or such new  
25 business organization, shall supply the same information to  
26 the board as required for applicants under this act. After an  
27 investigation of the financial responsibility, credit, and  
28 business reputation of the individual or the new business  
29 organization and upon a favorable determination, the board  
30 shall certify the business organization as qualified, and the  
31 department shall issue, without examination, a new certificate

1 in the individual's name, which shall include the name of the  
2 new business organization, as provided in this section.

3 (6) When a business organization qualified to engage  
4 in contracting makes application for an occupational license  
5 in any municipality or county of this state, the application  
6 shall be made with the tax collector in the name of the  
7 business organization, and the license, when issued, shall be  
8 issued to the business organization upon payment of the  
9 appropriate licensing fee and exhibition to the tax collector  
10 of a valid certificate issued by the department.

11 (7)(a) Each registered or certified contractor shall  
12 affix the number of his or her registration or certification  
13 to each application for a building permit and to each building  
14 permit issued and recorded. Each city or county building  
15 department shall require, as a precondition for the issuance  
16 of a building permit, that the contractor applying for the  
17 permit provide verification giving the number of his or her  
18 registration or certification under this part.

19 (b) The registration or certification number of a  
20 contractor shall be stated in each offer of services, business  
21 proposal, or advertisement, regardless of medium, used by that  
22 contractor. For the purposes of this part, the term  
23 "advertisement" does not include business stationery or any  
24 promotional novelties such as balloons, pencils, trinkets, or  
25 articles of clothing. The board shall assess a fine of not  
26 less than \$100 or issue a citation to any contractor who fails  
27 to include that contractor's certification or registration  
28 number when submitting an advertisement for publication,  
29 broadcast, or printing. In addition, any person who claims in  
30 any advertisement to be a certified or registered contractor,  
31 but who does not hold a valid state certification or

1 registration, commits a misdemeanor of the second degree,  
2 punishable as provided in s. 775.082 or s. 775.083.

3 (8) Each qualifying agent shall pay the department an  
4 amount equal to the original fee for certification or  
5 registration to qualify any additional business organizations.  
6 If the qualifying agent for a business organization desires to  
7 qualify additional business organizations, the board shall  
8 require him or her to present evidence of supervisory ability  
9 and financial responsibility of each such organization.

10 Allowing a licensee to qualify more than one business  
11 organization shall be conditioned upon the licensee showing  
12 that the licensee has both the capacity and intent to  
13 adequately supervise each business organization in accordance  
14 with s. 489.522(1). The board shall not limit the number of  
15 business organizations which the licensee may qualify except  
16 upon the licensee's failing to provide such information as is  
17 required under this subsection or upon a finding that such  
18 information or evidence as is supplied is incomplete or  
19 unpersuasive in showing the licensee's capacity and intent to  
20 comply with the requirements of this subsection. A

21 qualification for an additional business organization may be  
22 revoked or suspended upon a finding by the board that the  
23 licensee has failed in the licensee's responsibility to  
24 adequately supervise the operations of that business  
25 organization in accordance with s. 489.522(1). Failure of the  
26 responsibility to adequately supervise the operations of a  
27 business organization in accordance with s. 489.522(1) shall  
28 be grounds for denial to qualify additional business  
29 organizations.~~The issuance of such certification or~~  
30 ~~registration is discretionary with the board.~~

31

1           (9) If a business organization or any of its partners,  
2 officers, directors, trustees, or members is disciplined for  
3 violating s. 489.533(1), the board may, on that basis alone,  
4 deny issuance of a certificate or registration to a qualifying  
5 agent on behalf of that business organization.

6           Section 23. Section 489.525, Florida Statutes, is  
7 amended to read:

8           489.525 Reports of certified contractors to local  
9 building officials.--

10           ~~(1) The department shall inform all local boards or~~  
11 ~~building officials prior to October of each year of the names~~  
12 ~~of all certificateholders and the status of the certificates.~~

13           (2) The department may ~~shall include in the report of~~  
14 ~~certified contractors provided in subsection (1) a report to~~  
15 ~~all county tax collectors, local boards, and building~~  
16 ~~officials, containing:~~

17           ~~(a) the contents of this part and~~

18           ~~(b) the contents of the rules of the board and the~~  
19 ~~contents of the rules of the department which affect local~~  
20 ~~government as determined by the department. Any information~~  
21 ~~that is available through the Internet or other electronic~~  
22 ~~means may be excluded from the report.~~

23           Section 24. Subsections (1) and (2) of section  
24 489.533, Florida Statutes, are amended to read:

25           489.533 Disciplinary proceedings.--

26           (1) The following acts shall constitute grounds for  
27 disciplinary actions as provided in subsection (2):

28           (a) Failure to comply with ~~Violating~~ any provision of  
29 ~~s. 489.531 or chapter 455.~~

30           (b) Attempting to procure a certificate or  
31 registration to practice electrical or alarm system

1 contracting by bribery or fraudulent or willful  
2 misrepresentations.

3 (c) Having a certificate or registration to practice  
4 contracting revoked, suspended, or otherwise acted against,  
5 including the denial of licensure, by the licensing authority  
6 of another state, territory, or country.

7 (d) Being convicted or found guilty of, or entering a  
8 plea of nolo contendere to, regardless of adjudication, ~~of~~ a  
9 crime in any jurisdiction which directly relates to the  
10 practice of electrical or alarm system contracting or the  
11 ability to practice electrical or alarm system contracting.

12 (e) Making or filing a report or record which the  
13 certificateholder or registrant knows to be false, willfully  
14 failing to file a report or record required by state or  
15 federal law, willfully impeding or obstructing such filing, or  
16 inducing another person to impede or obstruct such filing.  
17 Such reports or records shall include only those which are  
18 signed in the capacity of a certified electrical or alarm  
19 system contractor.

20 (f) Committing fraud or deceit, or negligence,  
21 incompetency, or misconduct in the practice of electrical or  
22 alarm system contracting.

23 (g) Violating chapter 633 or the rules of the State  
24 Fire Marshal.

25 (h) Practicing on a revoked, suspended, inactive, or  
26 delinquent certificate or registration.

27 (i) Willfully or deliberately disregarding and  
28 violating the applicable building codes or laws of the state  
29 or any municipality or county thereof.

30 (j) Performing any act which assists a person or  
31 entity in engaging in the prohibited uncertified and

1 | unregistered practice of contracting, if the certificateholder  
2 | or registrant knows or has reasonable grounds to know that the  
3 | person or entity was uncertified and unregistered.

4 |       (k) Knowingly combining or conspiring with any person  
5 | by allowing one's certificate to be used by any uncertified  
6 | person with intent to evade the provisions of this part. When  
7 | a certificateholder allows his or her certificate to be used  
8 | by one or more companies without having any active  
9 | participation in the operations or management of said  
10 | companies, such act constitutes prima facie evidence of an  
11 | intent to evade the provisions of this part.

12 |       (l) Acting in the capacity of a contractor under any  
13 | certificate or registration issued hereunder except in the  
14 | name of the certificateholder or registrant as set forth on  
15 | the issued certificate or registration or in accordance with  
16 | the personnel of the certificateholder or registrant as set  
17 | forth in the application for the certificate or registration  
18 | or as later changed as provided in this part.

19 |       (m) Committing financial mismanagement or misconduct  
20 | in the practice of contracting that causes financial harm to a  
21 | customer. Financial mismanagement or misconduct occurs if:

22 |       1. A valid lien has been recorded against the property  
23 | of a contractor's customer for supplies or services ordered by  
24 | the contractor for the customer's job, the contractor has  
25 | received funds from the customer to pay for the supplies or  
26 | services, and the contractor has not had the lien removed from  
27 | the property, by payment or by bond, within 75 days after the  
28 | date of the lien;

29 |       2. A contractor has abandoned a customer's job and the  
30 | percentage of completion is less than the percentage of the  
31 | total contract price that had been paid to the contractor as



1 of the time of abandonment, unless the contractor is entitled  
2 to retain the excess funds under the terms of the contract or  
3 refunds the excess funds within 30 days after the date of  
4 abandonment; ~~or~~

5           3. The contractor's job has been completed and it is  
6 shown that the customer has had to pay more for the contracted  
7 job than the original contract price, as adjusted for  
8 subsequent change orders, unless such increase in cost was the  
9 result of circumstances beyond the control of the contractor,  
10 was the result of circumstances caused by the customer, or was  
11 otherwise permitted by the terms of the contract between the  
12 contractor and the customer; or

13           4. The contractor fails, within 18 months, to pay or  
14 comply with a repayment schedule of a judgment obtained  
15 against the contractor or a business qualified by the  
16 contractor and relating to the practice of contracting.

17           (n) Being disciplined by any municipality or county  
18 for an act that is a violation of this section.

19           (o) Failing in any material respect to comply with the  
20 provisions of this part and the rules adopted pursuant  
21 thereto.

22           (p) Abandoning a project which the contractor is  
23 engaged in or is under contractual obligation to perform. A  
24 project is to be considered abandoned after 90 days if the  
25 contractor terminates the project without just cause or  
26 without proper notification to the prospective owner,  
27 including the reason for termination, or fails to perform work  
28 without just cause for 90 consecutive days.

29           (q) Failing to affix a registration or certification  
30 number as required by s. 489.521(7).

31

1 (r) Proceeding on any job without obtaining applicable  
2 local building department permits and inspections.

3 (s) Practicing beyond the scope of a certification or  
4 registration.

5  
6 For the purposes of this subsection, construction is  
7 considered to be commenced when the contract is executed and  
8 the contractor has accepted funds from the customer or lender.

9 (2) When the board finds any applicant, contractor, or  
10 business organization for which the contractor is a primary  
11 qualifying agent or secondary qualifying agent responsible  
12 under s. 489.522 guilty of any of the grounds set forth in  
13 subsection (1), it may enter an order imposing one or more of  
14 the following penalties:

15 (a) Denial of an application for certification or  
16 registration.

17 (b) Revocation or suspension of a certificate or  
18 registration.

19 (c) Imposition of an administrative fine not to exceed  
20 \$5,000 for each count or separate offense.

21 (d) Issuance of a reprimand.

22 (e) Placement of the contractor on probation for a  
23 period of time and subject to such conditions as the board may  
24 specify, including requiring the contractor to attend  
25 continuing education courses or to work under the supervision  
26 of another contractor.

27 (f) Restriction of the authorized scope of practice by  
28 the contractor.

29 (g) Require financial restitution to a consumer.

30 Section 25. For the purpose of incorporating the  
31 amendment to section 489.533, Florida Statutes, in a reference

1 thereto, subsection (5) of section 489.518, Florida Statutes,  
2 is reenacted to read:

3 489.518 Alarm system agents.--

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

7 Section 26. Paragraph (b) of subsection (2) of section  
8 489.537, Florida Statutes, is amended, and subsection (9) is  
9 added to that section, to read:

10 489.537 Application of this part.--

11 (2)

12 (b) A registered electrical contractor may bid on  
13 electrical contracts which include alarm systems contracting  
14 as a part of the contract, provided that the individual shall  
15 subcontract such alarm systems contracting, except raceway  
16 systems, to a properly certified or registered alarm system  
17 contractor. Registered electrical contractors may install  
18 raceways for alarm systems. However, if the registered  
19 electrical contractor is properly certified or registered as  
20 an alarm system contractor, the individual is not required to  
21 subcontract out the alarm system contracting.

22 (9) Persons licensed under this part are subject to  
23 ss. 205.0535(1) and 205.065, as applicable.

24 Section 27. Section 489.539, Florida Statutes, is  
25 amended to read:

26 489.539 Adoption of electrical and alarm  
27 standards.--For the purpose of establishing minimum electrical  
28 and alarm standards in this state, the current edition of the  
29 following standards are adopted:

30 (1) "National Electrical Code ~~1990~~," NFPA No. 70  
31 ~~70-1990~~.

1           (2) Underwriters' Laboratories, Inc., "Standards for  
2 Safety, Electrical Lighting Fixtures, and Portable Lamps," UL  
3 57 ~~57-1982~~, and UL 153 ~~153-1983~~.

4           (3) Underwriters' Laboratories, Inc., "Standard for  
5 Electric Signs," UL 48 ~~48-1982~~.

6           (4) The provisions of the following which prescribe  
7 minimum electrical and alarm standards:

8           (a) NFPA No. 56A ~~56A-1978~~, "Inhalation Anesthetics  
9 ~~1978~~."

10           (b) NFPA No. 56B ~~56B-1982~~, "Respiratory Therapy ~~1982~~."

11           (c) NFPA No. 56C ~~56C-1980~~, "Laboratories in  
12 Health-related Institutions ~~1980~~."

13           (d) NFPA No. 56D ~~56D-1982~~, "Hyperbaric Facilities."

14           (e) NFPA No. 56F ~~56F-1983~~, "Nonflammable Medical Gas  
15 Systems ~~1983~~."

16           (f) NFPA No. 72, "National Fire Alarm Code."

17           (g) ~~(f)~~ NFPA No. 76A ~~76A-1984~~, "Essential Electrical  
18 Systems for Health Care Facilities ~~1984~~."

19           (5) Chapter 10D-29 of the rules of the Department of  
20 Health and Rehabilitative Services, entitled "Nursing Homes  
21 and Related Facilities Licensure."

22           (6) The minimum standards for grounding of portable  
23 electric equipment, chapter 8C-27, as recommended by the  
24 Industrial Standards Section of the Division of Workers'  
25 Compensation of the Department of Labor and Employment  
26 Security.

27           Section 28. Section 553.19, Florida Statutes, is  
28 amended to read:

29           553.19 Adoption of electrical and alarm  
30 standards.--For the purpose of establishing minimum electrical  
31

1 and alarm standards in this state, the current edition of the  
2 following standards are adopted:  
3 (1) "National Electrical Code ~~1990~~," NFPA No. 70  
4 ~~70-1990~~.  
5 (2) Underwriters' Laboratories, Inc., "Standards for  
6 Safety, Electrical Lighting Fixtures, and Portable Lamps," UL  
7 57 ~~57-1982~~ and UL 153 ~~153-1983~~.  
8 (3) Underwriters' Laboratories, Inc., "Standard for  
9 Electric Signs," UL 48 ~~48-1982~~.  
10 (4) The provisions of the following which prescribe  
11 minimum electrical and alarm standards:  
12 (a) NFPA No. 56A ~~56A-1978~~, "Inhalation Anesthetics  
13 ~~1978~~."  
14 (b) NFPA No. 56B ~~56B-1982~~, "Respiratory Therapy ~~1982~~."  
15 (c) NFPA No. 56C ~~56C-1980~~, "Laboratories in  
16 Health-related Institutions ~~1980~~."  
17 (d) NFPA No. 56D ~~56D-1982~~, "Hyperbaric Facilities."  
18 (e) NFPA No. 56F ~~56F-1983~~, "Nonflammable Medical Gas  
19 Systems ~~1983~~."  
20 (f) NFPA No. 72, "National Fire Alarm Code."  
21 (g)~~(f)~~ NFPA No. 76A ~~76A-1984~~, "Essential Electrical  
22 Systems for Health Care Facilities ~~1984~~."  
23 (5) Chapter 10D-29 of the rules and regulations of the  
24 Department of Health and Rehabilitative Services, entitled  
25 "Nursing Homes and Related Facilities Licensure."  
26 (6) The minimum standards for grounding of portable  
27 electric equipment, chapter 8C-27 as recommended by the  
28 Industrial Standards Section, Division of Workers'  
29 Compensation, Department of Labor and Employment Security.  
30 Section 29. This act shall take effect July 1 of the  
31 year in which enacted.

\*\*\*\*\*

LEGISLATIVE SUMMARY

Revises and provides various provisions of pt. I, ch. 489, F.S., relating to construction contracting. Provides exemptions from regulation for the sale, delivery, assembly, or tie-down of prefabricated portable sheds under certain conditions. Revises and provides definitions applicable to contractors. Eliminates reference to board jurisdiction over examinations. Requires the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board to each appoint a committee to meet jointly at least twice a year. Provides that expansion of the scope of practice of any type of contractor does not limit the scope of practice of any existing type of contractor unless the Legislature expressly provides such limitation. Repeals certification requirements for underground utility and excavation contractors.

Provides for medical gas certification for plumbing contractors who install, improve, repair, or maintain conduits used to transport gaseous or partly gaseous substances for medical purposes. Provides that plumbing contractors who install, improve, repair, or maintain such conduits shall be governed by the National Fire Prevention Association Standard 99C.

Authorizes certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances. Details what constitutes an incomplete contract for purposes of work allowed a business organization under temporary certification or registration.

Eliminates a provision that requires the transfer of surplus moneys from fines into the Construction Industries Recovery Fund. Clarifies provisions relating to conditions for recovery from the fund, eliminates a notice requirement, revises a limitation on the making of a claim, and revises provisions relating to payment from the fund.

Amends pt. II, ch. 489, F.S., relating to electrical and alarm system contracting. Revises an exemption from regulation under the part that applies to telecommunications, community antenna television, and radio distribution systems, to include cable television systems. Provides exemptions relating to the monitoring of alarm systems by law enforcement employees or officers or fire department employees or officials, by employees of state or federally chartered financial institutions, or by employees of a business. Revises and provides definitions applicable to electrical and alarm system contracting. Requires the Electrical Contractors'

1 Licensing Board and the Construction Industry Licensing  
2 Board to each appoint a committee to meet jointly at  
3 least twice a year.

4 Eliminates reference to the payment date of the biennial  
5 renewal fee for certificateholders and registrants and  
6 eliminates an inconsistent provision relating to failure  
7 to renew an active or inactive certificate or  
8 registration. Provides for transfer of a portion of  
9 certain fees applicable to regulation of electrical and  
10 alarm system contracting to fund certain projects  
11 relating to the building construction industry and  
12 continuing education programs related thereto.

13 Revises eligibility requirements for certification as an  
14 electrical or alarm system contractor. Authorizes the  
15 taking of the certification examination more than three  
16 times. Revises registration requirements for electrical  
17 contractors. Authorizes certificateholders and  
18 registrants to apply continuing education courses earned  
19 under other regulatory provisions under certain  
20 circumstances. Provides for verification of public  
21 liability and property damage insurance. Authorizes  
22 certificateholders and registrants to apply for voluntary  
23 inactive status at any time during the period of  
24 certification or registration. Authorizes a person  
25 passing the certification examination and applying for  
26 licensure to place his or her license on inactive status  
27 without having to qualify a business. Provides conditions  
28 on qualifying agents qualifying more than one business  
29 organization. Provides for revocation or suspension of  
30 such qualification for improper supervision.

31 Revises reporting requirements of the Department of  
Business and Professional Regulation to local boards and  
building officials and provides applicability with  
respect to information provided on the Internet. Revises  
and provides grounds for discipline and provides  
penalties therefor. Authorizes registered electrical  
contractors to install raceways for alarm systems.  
Provides that licensees under pt. II, ch. 489, F.S., are  
subject, as applicable, to certain provisions relating to  
local occupational license taxes. Updates the minimum  
electrical and alarm standards required in this state and  
adds a national code relating to fire alarms to such  
standards.