

By Representative Bennett

1 A bill to be entitled
2 An act relating to electrical and alarm system
3 contracting; amending s. 489.505, F.S.;
4 providing and deleting definitions; amending s.
5 489.507, F.S.; revising membership of the
6 Electrical Contractors' Licensing Board;
7 providing rulemaking authority to the board to
8 implement the local certification licensure
9 category; requiring the board to employ staff
10 sufficient to ensure uniform and prompt
11 regulation of electrical and alarm system
12 contracting; requiring the board to review its
13 operations to determine whether there are
14 functions or services of the board that can be
15 outsourced to increase productivity; providing
16 for transition from registration to local
17 certification; amending s. 489.509, F.S.;
18 revising and providing fees; creating s.
19 489.512, F.S.; providing for local
20 certification of registered electrical and
21 alarm system contractors; providing
22 requirements with respect to local
23 certification; providing for expiration of such
24 licensure category; repealing s. 489.513, F.S.,
25 to eliminate registration of electrical and
26 alarm system contracting; revising various
27 provisions of pt. II, ch. 489, F.S., relating
28 to electrical and alarm system contracting, to
29 conform; amending s. 489.514, F.S.; extending
30 certification grandfathering provisions to
31 local certificateholders; amending s. 489.516,

1 F.S.; requiring persons desiring to engage in
2 electrical or alarm system contracting in the
3 state to be certified; deleting the requirement
4 to pay the fee for a local occupational
5 license; amending s. 489.517, F.S.; providing
6 for quadrennial renewal of certificates;
7 revising continuing education requirements, to
8 conform; amending s. 489.5185, F.S.; providing
9 for quadrennial renewal of identification cards
10 of fire alarm system agents; revising
11 continuing education requirements, to conform;
12 amending s. 489.521, F.S.; deleting
13 requirements of business organizations relating
14 to local occupational licenses; repealing s.
15 489.5315, F.S., relating to exemption of
16 proprietary electrical and alarm contractors
17 from local occupational licensure requirements;
18 amending s. 489.537, F.S.; deleting provisions
19 that preserve the power of counties and
20 municipalities to collect local occupational
21 license and inspection fees, require a bond for
22 each electrical contractor, and create local
23 boards; deleting provisions relating to
24 registration; amending s. 489.5335, F.S.;
25 providing for a statewide journeyman competency
26 card; requiring a fee; amending ss. 489.503,
27 489.510, 489.511, 489.515, 489.518, 489.519,
28 489.520, 489.523, 489.531, and 489.533, F.S.;
29 deleting or revising references and provisions
30 relating to registration, to conform; amending
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1 s. 205.194, F.S.; deleting cross references, to
2 conform; providing effective dates.

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

5

6 Section 1. Subsections (1), (16), and (20) of section
7 489.503, Florida Statutes, are amended to read:

8 489.503 Exemptions.--This part does not apply to:

9 (1) Any employee of a certificateholder, ~~registrant,~~
10 or business organization authorized to engage in contracting
11 who is acting within the scope of the license held by that
12 certificateholder ~~or registrant~~ and with the knowledge and
13 permission of the licenseholder. However:

14 (a) If the employer is not a certificateholder ~~or~~
15 ~~registrant~~ in that type of contracting, and the employee
16 performs any of the following, the employee is not exempt:

17 1. Holds himself or herself or his or her employer out
18 to be licensed or qualified by a licensee;

19 2. Leads the consumer to believe that the employee has
20 an ownership or management interest in the company; or

21 3. Performs any of the acts which constitute
22 contracting.

23 (b) The legislative intent of this subsection is to
24 place equal responsibility on the unlicensed business and its
25 employees for the protection of the consumers in contracting
26 transactions.

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28 For the purpose of this part, "employee" is defined as a
29 person who receives compensation from, and is under the
30 supervision and control of, an employer who regularly deducts
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1 the F.I.C.A. and withholding tax and provides workers'
2 compensation, all as prescribed by law.

3 (16) The monitoring of a personal emergency response
4 system, as defined in s. 489.505, by a charitable,
5 not-for-profit corporation acting in accordance with a
6 contractual agreement with the Agency for Health Care
7 Administration or one of its licensed health care facilities,
8 the Department of Elderly Affairs, or the Department of
9 Children and Family Services, providing that the organization
10 does not perform any other service requiring certification ~~or~~
11 ~~registration~~ under this part. Nothing in this subsection shall
12 be construed to provide any of the agencies mentioned in this
13 subsection the authority to develop rules, criteria, or policy
14 pursuant to this subsection.

15 (20) Contracting for repair, maintenance, remodeling,
16 or improvement by any person licensed under part I of chapter
17 475 while acting as the owner's agent pursuant to that
18 license, where all work requiring a contractor is performed by
19 a contractor who has a current, valid certificate ~~or~~
20 ~~registration~~ issued under this part to perform such work, and
21 where the aggregate contract for labor, materials, and all
22 other items is less than \$5,000; however, this exemption does
23 not apply:

24 (a) If the maintenance, repair, remodeling, or
25 improvement is a part of a larger or major operation, whether
26 undertaken by the same or a different contractor, or in which
27 a division of the operation is made in contracts of amounts
28 less than \$5,000 for the purpose of evading this part or
29 otherwise.

30 (b) To a person who advertises that he or she is
31 qualified to engage in contracting.

1 Section 2. Section 489.505, Florida Statutes, is
2 amended to read:

3 489.505 Definitions.--As used in this part:

4 (1) "Alarm system" means any electrical device,
5 signaling device, or combination of electrical devices used to
6 signal or detect a burglary, fire, robbery, or medical
7 emergency.

8 (2) "Alarm system contractor" means a person whose
9 business includes the execution of contracts requiring the
10 ability, experience, science, knowledge, and skill to lay out,
11 fabricate, install, maintain, alter, repair, monitor, inspect,
12 replace, or service alarm systems for compensation, including,
13 but not limited to, all types of alarm systems for all
14 purposes.

15 (a) "Alarm system contractor I" means an alarm system
16 contractor whose business includes all types of alarm systems
17 for all purposes.

18 (b) "Alarm system contractor II" means an alarm system
19 contractor whose business includes all types of alarm systems
20 other than fire, for all purposes, except as herein provided.

21 (3) "Board," except "local board," means the
22 Electrical Contractors' Licensing Board created by this part.

23 (4) "Certificate" means a geographically unlimited
24 certificate of competency issued by the department as provided
25 in this part.

26 (5) "Certificateholder" means a contractor who has
27 obtained a certificate of competency.

28 (6) "Certification" means the act of obtaining or
29 holding a certificate of competency from the department as
30 provided in this part.

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

20 (8) "Certified electrical contractor" means an
21 electrical contractor who possesses a certificate of
22 competency issued by the department.

23 (9) "Contracting" means, except where exempted in this
24 part, engaging in business as a contractor or performing
25 electrical or alarm work for compensation and includes, but is
26 not limited to, performance of any of the acts found in
27 subsections (2) and (12), which define the services which a
28 contractor is allowed to perform. The attempted sale of
29 contracting services and the negotiation or bid for a contract
30 on these services also constitutes contracting. If the
31 services offered require licensure or agent qualification, the

1 offering, negotiation for a bid, or attempted sale of these
2 services requires the corresponding licensure.

3 (10) "Contractor" means a person who is qualified to
4 engage in the business of electrical or alarm system
5 contracting pursuant to a certificate ~~or registration~~ issued
6 by the department.

7 (11) "Department" means the Department of Business and
8 Professional Regulation.

9 (12) "Electrical contractor" or "unlimited electrical
10 contractor" means a person who conducts business in the
11 electrical trade field and who has the experience, knowledge,
12 and skill to install, repair, alter, add to, or design, in
13 compliance with law, electrical wiring, fixtures, appliances,
14 apparatus, raceways, conduit, or any part thereof, which
15 generates, transmits, transforms, or utilizes electrical
16 energy in any form, including the electrical installations and
17 systems within plants and substations, all in compliance with
18 applicable plans, specifications, codes, laws, and
19 regulations. The term means any person, firm, or corporation
20 that engages in the business of electrical contracting under
21 an express or implied contract; or that undertakes, offers to
22 undertake, purports to have the capacity to undertake, or
23 submits a bid to engage in the business of electrical
24 contracting; or that does itself or by or through others
25 engage in the business of electrical contracting.

26 (13) "Journeyman" means a person working in an
27 apprenticeable occupation who has successfully completed a
28 registered apprenticeship program or who has worked the number
29 of years required by established industry practices for the
30 particular trade or occupation.

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1 (14) "Local certified alarm system contractor" means
2 an alarm system contractor who possesses a local certificate
3 of competency issued by the department.

4 (15) "Local certified electrical contractor" means an
5 electrical contractor who possesses a local certificate of
6 competency issued by the department.

7 (16)~~(13)~~ "Local construction regulation board" or
8 "local board" means a board, composed of not fewer than three
9 residents of a county or municipality, which the governing
10 body of that county or municipality may create and appoint to
11 maintain the proper standard of construction of that county or
12 municipality.

13 (17)~~(14)~~ "Primary qualifying agent" means a person who
14 possesses the requisite skill, knowledge, and experience, and
15 has the responsibility, to supervise, direct, manage, and
16 control the electrical or alarm system contracting activities
17 of the business organization with which he or she is
18 connected; and whose technical and personal qualifications
19 have been determined by investigation and examination as
20 provided in this part by the department, as attested to by the
21 board; and who has been issued a certificate of competency by
22 the department.

23 (18)~~(15)~~ "Secondary qualifying agent" means a person
24 who possesses the requisite skill, knowledge, and experience,
25 and has the responsibility to supervise, direct, manage, and
26 control the electrical or alarm system contracting activities
27 on a job for which he or she has obtained a permit; and whose
28 technical and personal qualifications have been determined by
29 investigation and examination as provided in this part by the
30 department, as attested to by the board; and who has been
31 issued a certificate of competency by the department.

1 ~~(16) "Registered electrical contractor" means an~~
2 ~~electrical contractor who has registered with the department~~
3 ~~pursuant to fulfilling the competency requirements in the~~
4 ~~jurisdiction for which the registration is issued. A~~
5 ~~registered electrical contractor may contract only in the~~
6 ~~jurisdiction for which his or her registration is issued.~~

7 ~~(17) "Registration" means registration with the~~
8 ~~department as provided in this part.~~

9 ~~(18) "Registrant" means a person who has registered~~
10 ~~with the department pursuant to the requirements of this part.~~

11 (19) "Specialty contractor" means a contractor whose
12 scope of practice is limited to a specific segment of
13 electrical or alarm system contracting, including, but not
14 limited to, residential electrical contracting, maintenance of
15 electrical fixtures, and fabrication, erection, installation,
16 and maintenance of electrical advertising signs together with
17 the interrelated parts and supports thereof. Categories of
18 specialty contractor shall be established by board rule.

19 (20) "Mediation" means a process whereby a neutral
20 third party acts to encourage and facilitate the resolution of
21 a dispute without prescribing what it should be. It is an
22 informal and nonadversarial process with the objective of
23 helping the disputing parties reach a mutually acceptable
24 agreement.

25 ~~(21) "Registered alarm system contractor I" means an~~
26 ~~alarm system contractor whose business includes all types of~~
27 ~~alarm systems for all purposes and who is registered with the~~
28 ~~department pursuant to s. 489.513. A registered alarm system~~
29 ~~contractor I may contract only in the jurisdictions for which~~
30 ~~his or her registration is issued.~~

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1 ~~(22)~~ "Registered alarm system contractor II" means an
2 alarm system contractor whose business includes all types of
3 alarm systems, other than fire, for all purposes and who is
4 registered with the department pursuant to s. 489.513. A
5 registered alarm system contractor II may contract only in the
6 jurisdiction for which his or her registration is issued.

7 ~~(23)~~ "Registered residential alarm system contractor"
8 means an alarm system contractor whose business is limited to
9 burglar alarm systems in single-family residential, quadruplex
10 housing, and mobile homes of a residential occupancy class and
11 who is registered with the department pursuant to s. 489.513.
12 The board shall define "residential occupancy class" by rule.
13 A registered residential alarm system contractor may contract
14 only in the jurisdiction for which his or her registration is
15 issued.

16 (21)~~(24)~~ "Licensure" means any type of certification
17 or registration provided for in this part.

18 (22)~~(25)~~ "Burglar alarm system agent" means a person:

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

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

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

28 (23)~~(26)~~ "Personal emergency response system" means
29 any device which is simply plugged into a telephone jack or
30 electrical receptacle and which is designed to initiate a
31 telephone call to a person who responds to, or has a

1 responsibility to determine the proper response to, personal
2 emergencies, but does not include hard-wired or wireless alarm
3 systems designed to detect intrusion or fire.

4 (24)~~(27)~~ "Monitoring" means to receive electrical or
5 electronic signals, originating from any building within the
6 state, produced by any security, medical, fire, or burglar
7 alarm, closed circuit television camera, or related or similar
8 protective system and to initiate a response thereto. A
9 person shall not have committed the act of monitoring if:

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

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

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

16 (d) The person is not employed in a proprietary
17 monitoring facility, as defined by the National Fire
18 Protection Association pursuant to rule adopted under chapter
19 633.

20 (25)~~(28)~~ "Fire alarm system agent" means a person:

21 (a) Who is employed by a licensed fire alarm
22 contractor or certified unlimited electrical contractor;

23 (b) Who is performing duties which are an element of
24 an activity that constitutes fire alarm system contracting
25 requiring certification under this part; and

26 (c) Whose specific duties include any of the
27 following: altering, installing, maintaining, moving,
28 repairing, replacing, servicing, selling onsite, or monitoring
29 a fire alarm system for compensation.

30 Section 3. Section 489.507, Florida Statutes, is
31 amended to read:

1 489.507 Electrical Contractors' Licensing Board.--

2 (1) There is created in the department the Electrical
3 Contractors' Licensing Board. The board shall consist of 13
4 ~~11~~ members, 7 of whom shall be certified electrical
5 contractors, 2 of whom shall be certified alarm system
6 contractors I, 2 of whom shall be local certified electrical
7 contractors, and 2 of whom shall be consumer members who are
8 not, and have never been, electrical contractors or members of
9 any closely related profession or occupation, ~~and 2 of whom~~
10 ~~shall be certified alarm system contractors I.~~ Members shall
11 be appointed by the Governor, subject to confirmation by the
12 Senate. Members shall be appointed for 4-year terms.

13 (2) To be eligible to serve, each contractor member
14 must have been certified by the board to operate as a
15 contractor in the category with respect to which the member is
16 appointed, be actively engaged in the construction business,
17 and have been so engaged for a period of not less than 5
18 consecutive years before the date of appointment. Each
19 appointee must be a citizen and resident of the state.

20 (3)(a) The board has authority to adopt rules pursuant
21 to ss. 120.536(1) and 120.54 to implement the provisions of
22 this part.

23 ~~(b)(4) Notwithstanding paragraph (a), it is the intent~~
24 ~~of the Legislature that the board may not adopt any rule or~~
25 ~~take any promulgate no rules and take no action to require~~
26 that applicants for certification as alarm system contractors
27 serve any type of apprenticeship before being allowed to sit
28 for the certification examination.

29 ~~(c)(5)~~ Any proposed board rule which has not been
30 modified to remove proposed committee objections of the
31 Administrative Procedures Committee must receive approval from

1 the department prior to filing the rule with the Department of
2 State for final adoption. The department may repeal any rule
3 enacted by the board which has taken effect without having met
4 proposed committee objections of the Administrative Procedures
5 Committee.

6 (4) The board shall employ staff sufficient to ensure
7 uniform and prompt regulation under this part. The board
8 shall also regularly review its operations to determine
9 whether there are functions or services it provides under this
10 part that can be outsourced to increase productivity.

11 (5)~~(6)~~ The Electrical Contractors' Licensing Board and
12 the Construction Industry Licensing Board shall each appoint a
13 committee to meet jointly at least twice a year.

14 Section 4. Effective upon this act becoming a law, the
15 Electrical Contractors' Licensing Board may begin
16 implementation of the local certification licensure category
17 pursuant to its authority under s. 489.507(3), Florida
18 Statutes, to effect the transition from registration to local
19 certification on October 1, 2001, as contemplated by this act.

20 Section 5. Subsections (1) and (2) of section 489.509,
21 Florida Statutes, are amended to read:

22 489.509 Fees.--

23 (1) The board, by rule, shall establish fees to be
24 paid for applications, examination, reexamination, transfers,
25 licensing and renewal, reinstatement, and recordmaking and
26 recordkeeping. The examination fee shall be in an amount that
27 covers the cost of obtaining and administering the examination
28 and shall be refunded if the applicant is found ineligible to
29 sit for the examination. The application fee is nonrefundable.
30 The fee for initial application and examination for
31 certification of electrical contractors may not exceed \$400.

1 ~~The initial application fee for registration may not exceed~~
2 ~~\$150.~~The quadrennial ~~biennial~~ renewal fee may not exceed \$400
3 for full certificateholders and \$200 for local
4 certificateholders ~~registrants~~. The fee for initial
5 application and examination for certification of alarm system
6 contractors may not exceed \$400. The quadrennial ~~biennial~~
7 renewal fee for certified alarm system contractors may not
8 exceed \$450. The board may establish a fee for a temporary
9 certificate as an alarm system contractor not to exceed \$75.
10 The board may also establish by rule a delinquency fee not to
11 exceed \$50. The fee to transfer a certificate ~~or registration~~
12 from one business organization to another may not exceed \$200.
13 The fee for reactivation of an inactive license may not exceed
14 \$50. The board shall establish fees that are adequate to
15 ensure the continued operation of the board. Fees shall be
16 based on department estimates of the revenue required to
17 implement this part and the provisions of law with respect to
18 the regulation of electrical contractors and alarm system
19 contractors.

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

26 Section 6. Section 489.510, Florida Statutes, is
27 amended to read:

28 489.510 Evidence of workers' compensation
29 coverage.--Any person, business organization, or qualifying
30 agent engaged in the business of contracting in this state and
31 certified ~~or registered~~ under this part shall, as a condition

1 precedent to the issuance or renewal of a certificate ~~or~~
2 ~~registration~~ of the contractor, provide to the Electrical
3 Contractors' Licensing Board, as provided by board rule,
4 evidence of workers' compensation coverage pursuant to chapter
5 440. In the event that the Division of Workers' Compensation
6 of the Department of Labor and Employment Security receives
7 notice of the cancellation of a policy of workers'
8 compensation insurance insuring a person or entity governed by
9 this section, the Division of Workers' Compensation shall
10 certify and identify all persons or entities by certification
11 ~~or registration~~ license number to the department after
12 verification is made by the Division of Workers' Compensation
13 that such cancellation has occurred or that persons or
14 entities governed by this section are no longer covered by
15 workers' compensation insurance. Such certification and
16 verification by the Division of Workers' Compensation shall
17 result solely from records furnished to the Division of
18 Workers' Compensation by the persons or entities governed by
19 this section. The department shall notify the persons or
20 entities governed by this section who have been determined to
21 be in noncompliance with chapter 440, and the persons or
22 entities notified shall provide certification of compliance
23 with chapter 440 to the department and pay an administrative
24 fine as provided by rule. The failure to maintain workers'
25 compensation coverage as required by law shall be grounds for
26 the board to revoke, suspend, or deny the issuance or renewal
27 of a certificate ~~or registration~~ of the contractor under the
28 provisions of s. 489.533.

29 Section 7. Subsection (7) of section 489.511, Florida
30 Statutes, is amended to read:

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1 489.511 Certification; application; examinations;
2 endorsement.--

3 (7) Upon the issuance of a certificate, any previously
4 issued ~~registered~~ licenses for the classification in which the
5 certification is issued are rendered void.

6 Section 8. Section 489.512, Florida Statutes, is
7 created to read:

8 489.512 Local certification.--

9 (1)(a) Each contractor who on October 1, 2001, is the
10 holder of a current, valid registration which was issued under
11 this part prior to that date shall be redesignated as a local
12 certified electrical or alarm system contractor, as
13 applicable, and issued the applicable local certificate by the
14 department. A local certificate permits the holder to engage
15 in contracting only in the area and for the type of work
16 covered by the registration the local certificate is
17 replacing.

18 (b) A local certificate may be renewed but may not be
19 expanded to cover areas of the state or types of work other
20 than those covered by the original certificate. A contractor
21 may only work in other areas of the state or other types of
22 work by obtaining full certification under s. 489.514 or s.
23 489.516.

24 (c) New local certificates may not be issued, and the
25 licensure category shall expire upon expiration of the last
26 local certificate.

27 (2) The local jurisdictions shall be responsible for
28 providing code violation information pursuant to s. 553.781
29 and disciplinary information on local certified electrical or
30 alarm system contractors to the board within 30 days after any
31 disciplinary action, and the board shall maintain such

1 information as is provided to them and shall make such
2 information available through the automated information system
3 provided pursuant to s. 455.2286.

4 Section 9. Section 489.513, Florida Statutes, is
5 repealed.

6 Section 10. Section 489.514, Florida Statutes, is
7 amended to read:

8 489.514 Certification for local certified ~~registered~~
9 contractors; grandfathering provisions.--

10 (1) The board shall, upon receipt of a completed
11 application, appropriate fee, and proof of compliance with the
12 provisions of this section, issue:

13 (a) To an applying local certified ~~registered~~
14 electrical contractor, a certificate as an electrical
15 contractor, as defined in s. 489.505(12); or

16 (b) To an applying local certified ~~registered~~ alarm
17 system contractor, a certificate in the matching alarm system
18 contractor category, as defined in s. 489.505(2)(a) or (b); or

19 (c) To an applying local certified ~~registered~~
20 electrical speciality contractor, a certificate in the
21 matching electrical speciality contractor category, as defined
22 in s. 489.505(19).

23 (2) Any local certified contractor ~~registered~~ under
24 this part who makes application under this section to the
25 board shall meet each of the following requirements for
26 certification:

27 (a) Currently holds a valid local certified ~~registered~~
28 ~~local~~ license in the category of electrical contractor, alarm
29 system contractor, or electrical speciality contractor.

30 (b) Has, for that category, passed a written,
31 proctored examination that the board finds to be substantially

1 similar to the examination required to be licensed as a
2 certified contractor under this part. For purposes of this
3 subsection, a written, proctored examination such as that
4 produced by the National Assessment Institute, Block and
5 Associates, NAI/Block, Experior Assessments, Professional
6 Testing, Inc., or Assessment Systems, Inc., shall be
7 considered to be substantially similar to the examination
8 required to be licensed as a certified contractor. The board
9 may not impose or make any requirements regarding the nature
10 or content of these cited examinations.

11 (c) Has at least 5 years of experience as a contractor
12 in that contracting category, or as an inspector or building
13 administrator with oversight over that category, at the time
14 of application. For contractors, only time periods in which
15 the contractor license is active and the contractor is not on
16 probation shall count toward the 5 years required under this
17 subsection.

18 (d) Has not had his or her contractor's license
19 revoked at any time, had his or her contractor's license
20 suspended in the last 5 years, or been assessed a fine in
21 excess of \$500 in the last 5 years.

22 (e) Is in compliance with the insurance and financial
23 responsibility requirements in s. 489.515(1)(b).

24 (3) An applicant who will not have the experience
25 required under paragraph (2)(c) by the time of the application
26 deadline set forth in subsection (4) may be certified under
27 this section in the appropriate category if the applicant
28 meets the requirements of paragraphs (2)(a), (d), and (e) and
29 passes the business portion of the test required in paragraph
30 (2)(b).

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1 (4)~~(3)~~ An applicant must make application by November
2 1, 2004, to be licensed pursuant to this section.

3 Section 11. Section 489.515, Florida Statutes, is
4 amended to read:

5 489.515 Issuance of certificates ~~registrations~~.--

6 (1)(a) The department shall issue a certificate to a
7 person who the board certifies is qualified to become a
8 certified contractor.

9 (b) The board shall certify as qualified for
10 certification any person who satisfies the requirements of s.
11 489.511, who successfully passes the certification examination
12 administered by the department, achieving a passing grade as
13 established by board rule, and who submits satisfactory
14 evidence that he or she has obtained both workers'
15 compensation insurance or an acceptable exemption certificate
16 issued by the department and public liability and property
17 damage insurance for the health, safety, and welfare of the
18 public in amounts determined by rule of the board, and
19 furnishes evidence of financial responsibility, credit, and
20 business reputation of either himself or herself or the
21 business organization he or she desires to qualify.

22 (c) Upon compliance with the provisions of this
23 section and payment of the certification fee, the department
24 shall issue the person a certificate.

25 ~~(2) The department shall issue a registration to a
26 person who is in compliance with the provisions of s. 489.513
27 and who the board certifies is qualified to be registered.~~

28 (2)~~(3)~~ As a prerequisite to the initial issuance or
29 the renewal of a certificate ~~or registration~~, the applicant
30 shall submit an affidavit on a form provided by the board
31 attesting to the fact that the applicant has obtained both

1 workers' compensation insurance or an acceptable exemption
2 certificate issued by the department and public liability and
3 property damage insurance for the health, safety, and welfare
4 of the public in amounts determined by rule of the board. The
5 board shall by rule establish a procedure to verify the
6 accuracy of such affidavits based upon a random audit method.

7 ~~(3)(4)~~ The board may refuse to certify any applicant
8 who has violated any of the provisions of s. 489.533.

9 ~~(4)(5)~~ A certificate ~~or registration~~ is not
10 transferable.

11 Section 12. Subsections (1), (2), and (3) of section
12 489.516, Florida Statutes, are amended to read:

13 489.516 Qualifications to practice; restrictions;
14 prerequisites.--

15 (1) Any person who desires to engage in electrical or
16 alarm system contracting in this state ~~on a statewide basis~~
17 shall, as a prerequisite thereto, establish his or her
18 competency and qualifications to be certified pursuant to this
19 part. To establish competency, a person shall pass the
20 appropriate examination administered by the department. ~~Any~~
21 ~~person who desires to engage in contracting on other than a~~
22 ~~statewide basis shall, as a prerequisite thereto, be~~
23 ~~registered pursuant to this part, unless exempted by this~~
24 ~~part.~~

25 (2) ~~A~~ No person who is not certified under this part
26 may not ~~or registered shall~~ engage in the business of
27 electrical or alarm system contracting in this state. To
28 enforce this subsection:

29 (a) The department shall issue a cease and desist
30 order to prohibit any person from engaging in the business of
31 contracting who does not hold the required certification ~~or~~

1 ~~registration~~ for the work being performed under this part.
2 For the purpose of enforcing a cease and desist order, the
3 department may file a proceeding in the name of the state
4 seeking issuance of an injunction or a writ of mandamus
5 against any person who violates any provision of such order.

6 (b) A county or municipality may issue a cease and
7 desist order to prohibit any person from engaging in the
8 business of contracting who does not hold the required
9 certification ~~or registration~~ for the work being performed
10 under this part.

11 (3) When a certificateholder desires to engage in
12 contracting in any area of the state, as a prerequisite
13 therefor, he or she shall only be required to exhibit to the
14 local building official, tax collector, or other authorized
15 person in charge of the issuance of ~~licenses and~~ building or
16 electrical permits in the area evidence of holding a current
17 certificate, and to pay the fee for the ~~occupational license~~
18 ~~and permit required of other persons~~. However, a local
19 construction regulation board may deny the issuance of an
20 electrical permit to a certified contractor, or issue a permit
21 with specific conditions, if the local construction regulation
22 board has found such contractor, through the public hearing
23 process, to be guilty of fraud or a willful building code
24 violation within the county or municipality that the local
25 construction regulation board represents, or if the local
26 construction regulation board has proof that such contractor,
27 through the public hearing process, has been found guilty, in
28 another county or municipality within the past 12 months, of
29 fraud or a willful building code violation and finds, after
30 providing notice to the contractor, that such fraud or
31 violation would have been fraud or a violation if committed in

1 the county or municipality that the local construction board
2 represents. Notification of and information concerning such
3 permit denial shall be submitted to the Department of Business
4 and Professional Regulation within 15 days after the local
5 construction regulation board decides to deny the permit.

6 Section 13. Section 489.517, Florida Statutes, is
7 amended to read:

8 489.517 Renewal of certificate ~~or registration~~;
9 continuing education.--

10 (1) The department shall renew a certificate ~~or~~
11 ~~registration~~ upon receipt of the renewal application and fee
12 and proof of meeting all continuing education requirements.

13 (2) The department shall adopt rules establishing a
14 procedure for the quadrennial ~~biennial~~ renewal of certificates
15 ~~and registrations~~.

16 (3)(a) Each certificateholder ~~or registrant~~ shall
17 provide proof, in a form established by rule of the board,
18 that the certificateholder ~~or registrant~~ has completed at
19 least 28 ~~14~~ classroom hours of at least 50 minutes each of
20 continuing education courses during each quadrennium ~~biennium~~
21 since the issuance or renewal of the certificate ~~or~~
22 ~~registration~~. The board shall by rule establish criteria for
23 the approval of continuing education courses and providers and
24 may by rule establish criteria for accepting alternative
25 nonclassroom continuing education on an hour-for-hour basis.

26 (b) Each certificateholder ~~or registrant~~ shall provide
27 to the board proof of completion of the core curriculum
28 courses or passing the equivalency test of the Building Code
29 Training Program established under s. 553.841, specific to the
30 licensing category sought, within 4 ~~2~~ years after commencement
31 of the program or of initial certification ~~or registration~~,

1 whichever is later. Classroom hours spent taking core
2 curriculum courses shall count toward the number required for
3 renewal of certificate ~~or registration~~. A certificateholder
4 ~~or registrant~~ who passes the equivalency test in lieu of
5 taking the core curriculum courses shall receive full credit
6 for core curriculum course hours.

7 (4)(a) If a certificateholder ~~or registrant~~ holds a
8 license under both this part and part I and is required to
9 have continuing education courses under s. 489.115(4)(b)1.,
10 the certificateholder ~~or registrant~~ may apply those course
11 hours for workers' compensation, workplace safety, and
12 business practices obtained under part I to the requirements
13 under this part.

14 (b) Of the 28 ~~14~~ classroom hours of continuing
15 education required, at least 14 ~~7~~ hours must be on technical
16 subjects, 2 hours ~~1 hour~~ on workers' compensation, 2 hours ~~1~~
17 ~~hour~~ on workplace safety, and 2 hours ~~1 hour~~ on business
18 practices.

19 (5) By applying for renewal, each certificateholder ~~or~~
20 ~~registrant~~ certifies that he or she has continually maintained
21 the required amounts of public liability and property damage
22 insurance as specified by board rule. The board shall
23 establish by rule a procedure to verify the public liability
24 and property damage insurance for a specified period, based
25 upon a random sampling method.

26 (6) The board shall require, by rule adopted pursuant
27 to ss. 120.536(1) and 120.54, a specialized number of hours in
28 specialized or advanced module courses, approved by the
29 Florida Building Commission, on any portion of the Florida
30 Building Code, adopted pursuant to part VII of chapter 553,
31 relating to the contractor's respective discipline.

1 Section 14. Paragraphs (d) and (e) of subsection (2)
2 of section 489.518, Florida Statutes, are amended to read:

3 489.518 Alarm system agents.--

4 (2)

5 (d) A state-certified electrical contractor, a
6 state-certified alarm system contractor, ~~a state-registered~~
7 ~~alarm system contractor,~~ a journeyman electrician licensed by
8 any local jurisdiction, or an alarm technician licensed by a
9 local jurisdiction that requires an examination and experience
10 or training as licensure qualifications, is not required to
11 complete the training required for burglar alarm system
12 agents. ~~A state-registered electrical contractor is not~~
13 ~~required to complete the training required for burglar alarm~~
14 ~~system agents, so long as he or she is only doing electrical~~
15 ~~work up to the alarm panel.~~

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

27 Section 15. Paragraphs (b) and (c) of subsection (2)
28 and subsections (4) and (5) of section 489.5185, Florida
29 Statutes, are amended to read:

30 489.5185 Fire alarm system agents.--

31 (2)

1 (b) A state-certified electrical contractor, a
2 state-certified fire alarm system contractor, ~~a~~
3 ~~state-registered fire alarm system contractor,~~ a journeyman
4 electrician licensed by any local jurisdiction, or an alarm
5 technician licensed by a local jurisdiction that requires an
6 examination and experience or training as licensure
7 qualifications is not required to complete the training
8 required for fire alarm system agents. ~~A state-registered~~
9 ~~electrical contractor is not required to complete the training~~
10 ~~required for fire alarm system agents, so long as he or she is~~
11 ~~only doing electrical work up to the alarm panel.~~

12 (c) A nonsupervising employee working as a helper or
13 apprentice under the direct, onsite, continuous supervision of
14 a state-certified electrical contractor, ~~a state-registered~~
15 ~~electrical contractor,~~ a state-certified fire alarm system
16 contractor, ~~a state-registered fire alarm system contractor,~~ a
17 journeyman electrician licensed by any local jurisdiction, an
18 alarm technician licensed by a local jurisdiction that
19 requires an examination and experience or training as
20 licensure qualifications, or a qualified fire alarm system
21 agent is not required to complete the training otherwise
22 required and is not required to be 18 years of age or older.

23 (4)(a) A certified unlimited electrical contractor or
24 licensed fire alarm contractor must furnish each of his or her
25 fire alarm system agents with an identification card.

26 (b) The card shall follow a board-approved format, to
27 include a picture of the agent; shall specify at least the
28 name of the holder of the card and the name and license number
29 of the certified unlimited electrical contractor or licensed
30 fire alarm contractor; and shall be signed by both the
31 contractor and the holder of the card. Each identification

1 card shall be valid for a period of 4 ~~2~~ years after the date
2 of issuance. The identification card must be in the possession
3 of the fire alarm system agent while engaged in fire alarm
4 system agent duties.

5 (c) Each person to whom an identification card has
6 been issued is responsible for the safekeeping thereof, and
7 may not loan, or allow any other person to use or display, the
8 identification card.

9 (d) Each identification card must be renewed every 4 ~~2~~
10 years and in a board-approved format to show compliance with
11 the 12 ~~6~~ hours of continuing education necessary to maintain
12 certification as a fire alarm system agent.

13 (5) Each fire alarm system agent must receive 12 ~~6~~
14 hours of continuing education on fire alarm system
15 installation and repair every 4 ~~2~~ years from a board-approved
16 sponsor of training and through a board-approved training
17 course.

18 Section 16. Subsections (1) and (2) of section
19 489.519, Florida Statutes, are amended to read:

20 489.519 Inactive status.--

21 (1) A certificate ~~or registration~~ that has become
22 inactive may be reactivated under s. 489.517 upon application
23 to the department. The board may prescribe, by rule,
24 continuing education requirements as a condition of
25 reactivating a certificate ~~or registration~~. The continuing
26 education requirements for reactivating a certificate ~~or~~
27 ~~registration~~ may not exceed 12 classroom hours for each year
28 the certificate ~~or registration~~ was inactive.

29 (2) Notwithstanding any provision of s. 455.271 to the
30 contrary, a certificateholder ~~or registrant~~ may apply to the
31

1 department for voluntary inactive status at any time during
2 the period of certification ~~or registration~~.

3 Section 17. Section 489.520, Florida Statutes, is
4 amended to read:

5 489.520 Automated licensure status information
6 system.--By January 1, 1995, the department shall implement an
7 automated licensure status information system for electrical
8 and alarm system contracting. The system shall provide instant
9 notification to local building departments and other
10 interested parties, as determined by the board or department,
11 regarding the status of the certification ~~or registration~~ of
12 any contractor certified ~~or registered~~ pursuant to the
13 provisions of this part. The provision of such information
14 shall consist, at a minimum, of an indication of whether the
15 certification ~~or registration~~ of the contractor applying for a
16 permit is active, of any current failure of the contractor to
17 make restitution according to the terms of any final action by
18 the board, of any ongoing disciplinary cases against the
19 contractor that are subject to public disclosure, and whether
20 there are any outstanding fines against the contractor.

21 Section 18. Paragraph (a) of subsection (2) and
22 subsections (6), (7), (8), and (9) of section 489.521, Florida
23 Statutes, are amended to read:

24 489.521 Business organizations; qualifying agents.--

25 (2)(a)1. If the applicant proposing to engage in
26 contracting is a partnership, corporation, business trust, or
27 other legal entity, other than a sole proprietorship, the
28 application shall state the name of the partnership and its
29 partners; the name of the corporation and its officers and
30 directors and the name of each of its stockholders who is also
31 an officer or director; the name of the business trust and its

1 trustees; or the name of such other legal entity and its
2 members. In addition, the applicant shall furnish evidence of
3 statutory compliance if a fictitious name is used. A joint
4 venture, including a joint venture composed of qualified
5 business organizations, is itself a separate and distinct
6 organization that shall be qualified in accordance with board
7 rules. The ~~registration or~~ certification, when issued upon
8 application of a business organization, shall be in the name
9 of the qualifying agent, and the name of the business
10 organization shall be noted thereon. If there is a change in
11 any information that is required to be stated on the
12 application, the business organization shall, within 45 days
13 after such change occurs, mail the correct information to the
14 department.

15 2. Any person certified ~~or registered~~ pursuant to this
16 part who has had his or her license revoked shall not be
17 eligible for a 5-year period to be a partner, officer,
18 director, or trustee of a business organization as defined by
19 this section. Such person shall also be ineligible to reapply
20 for certification ~~or registration~~ under this part for a period
21 of 5 years.

22 ~~(6) When a business organization qualified to engage~~
23 ~~in contracting makes application for an occupational license~~
24 ~~in any municipality or county of this state, the application~~
25 ~~shall be made with the tax collector in the name of the~~
26 ~~business organization, and the license, when issued, shall be~~
27 ~~issued to the business organization upon payment of the~~
28 ~~appropriate licensing fee and exhibition to the tax collector~~
29 ~~of a valid certificate issued by the department.~~

30 (6)(7)(a) Each ~~registered or~~ certified contractor
31 shall affix the number of his or her ~~registration or~~

1 certification to each application for a building permit and to
2 each building permit issued and recorded. Each city or county
3 building department shall require, as a precondition for the
4 issuance of a building permit, that the contractor applying
5 for the permit provide verification giving the number of his
6 or her ~~registration or~~ certification under this part.

7 (b) The ~~registration or~~ certification number of a
8 contractor shall be stated in each offer of services, business
9 proposal, or advertisement, regardless of medium, used by that
10 contractor. For the purposes of this part, the term
11 "advertisement" does not include business stationery or any
12 promotional novelties such as balloons, pencils, trinkets, or
13 articles of clothing. The board shall assess a fine of not
14 less than \$100 or issue a citation to any contractor who fails
15 to include that contractor's certification ~~or registration~~
16 number when submitting an advertisement for publication,
17 broadcast, or printing. In addition, any person who claims in
18 any advertisement to be a certified ~~or registered~~ contractor,
19 but who does not hold a valid state certification ~~or~~
20 ~~registration~~, commits a misdemeanor of the second degree,
21 punishable as provided in s. 775.082 or s. 775.083.

22 (7)~~(8)~~ Each qualifying agent shall pay the department
23 an amount equal to the original fee for certification ~~or~~
24 ~~registration~~ to qualify any additional business organizations.
25 If the qualifying agent for a business organization desires to
26 qualify additional business organizations, the board shall
27 require him or her to present evidence of supervisory ability
28 and financial responsibility of each such organization.
29 Allowing a licensee to qualify more than one business
30 organization shall be conditioned upon the licensee showing
31 that the licensee has both the capacity and intent to

1 adequately supervise each business organization in accordance
2 with s. 489.522(1). The board shall not limit the number of
3 business organizations which the licensee may qualify except
4 upon the licensee's failing to provide such information as is
5 required under this subsection or upon a finding that such
6 information or evidence as is supplied is incomplete or
7 unpersuasive in showing the licensee's capacity and intent to
8 comply with the requirements of this subsection. A
9 qualification for an additional business organization may be
10 revoked or suspended upon a finding by the board that the
11 licensee has failed in the licensee's responsibility to
12 adequately supervise the operations of that business
13 organization in accordance with s. 489.522(1). Failure of the
14 responsibility to adequately supervise the operations of a
15 business organization in accordance with s. 489.522(1) shall
16 be grounds for denial to qualify additional business
17 organizations.

18 (8)~~(9)~~ If a business organization or any of its
19 partners, officers, directors, trustees, or members is
20 disciplined for violating s. 489.533(1), the board may, on
21 that basis alone, deny issuance of a certificate ~~or~~
22 ~~registration~~ to a qualifying agent on behalf of that business
23 organization.

24 Section 19. Section 489.523, Florida Statutes, is
25 amended to read:

26 489.523 Emergency certification ~~registration~~ upon
27 death of contractor.--If an incomplete contract exists at the
28 time of death of a contractor, the contract may be completed
29 by any person even though not certified. The person shall
30 notify the appropriate board, within 30 days after the death
31 of the contractor, of his or her name and address, knowledge

1 of the contract, and ability to complete it. If the board
2 approves, he or she may proceed with the contract. The board
3 shall then issue an emergency certification ~~registration~~ which
4 shall expire upon the completion of the contract. For purposes
5 of this section, and upon written approval of the board, an
6 incomplete contract may be one which has been awarded to, or
7 entered into by, the contractor before his or her death, or on
8 which he or she was the low bidder and the contract is
9 subsequently awarded to him or her, regardless of whether any
10 actual work has commenced under the contract before the
11 contractor's death.

12 Section 20. Section 489.531, Florida Statutes, is
13 amended to read:

14 489.531 Prohibitions; penalties.--

15 (1) A person may not:

16 (a) Practice contracting unless the person is
17 certified ~~or registered~~;

18 (b) Use the name or title "electrical contractor" or
19 "alarm system contractor" or words to that effect, or
20 advertise himself or herself or a business organization as
21 available to practice electrical or alarm system contracting,
22 when the person is not then the holder of a valid
23 certification ~~or registration~~ issued pursuant to this part;

24 (c) Present as his or her own the certificate ~~or~~
25 ~~registration~~ of another;

26 (d) Use or attempt to use a certificate ~~or~~
27 ~~registration~~ that has been suspended, revoked, or placed on
28 inactive or delinquent status;

29 (e) Employ persons who are not certified ~~or registered~~
30 to practice contracting;

31

1 (f) Knowingly give false or forged evidence to the
2 department, the board, or a member thereof;

3 (g) Operate a business organization engaged in
4 contracting after 60 days following the termination of its
5 only qualifying agent without designating another primary
6 qualifying agent;

7 (h) Conceal information relative to violations of this
8 part;

9 (i) Commence or perform work for which a building
10 permit is required pursuant to part VII of chapter 553 without
11 the building permit being in effect; or

12 (j) Willfully or deliberately disregard or violate any
13 municipal or county ordinance relating to uncertified ~~or~~
14 ~~unregistered~~ contractors.

15 (2) Any person who violates any provision of
16 subsection (1) commits a misdemeanor of the first degree,
17 punishable as provided in s. 775.082 or s. 775.083.

18 (3)(a) Any unlicensed person who violates any of the
19 provisions of subsection (1) commits a misdemeanor of the
20 first degree, punishable as provided in s. 775.082 or s.
21 775.083.

22 (b) Any unlicensed person who commits a violation of
23 subsection (1) after having been previously found guilty of
24 such violation commits a felony of the third degree,
25 punishable as provided in s. 775.082 or s. 775.083.

26 (c) Any unlicensed person who commits a violation of
27 subsection (1) during the existence of a state of emergency
28 declared by executive order of the Governor commits a felony
29 of the third degree, punishable as provided in s. 775.082 or
30 s. 775.083.

31

1 The remedies set forth in this subsection are not exclusive
2 and may be imposed in addition to the remedies set forth in s.
3 489.533(2).

4 ~~(4) Each county or municipality may, at its option,~~
5 ~~designate one or more of its code enforcement officers, as~~
6 ~~defined in chapter 162, to enforce, as set out in this~~
7 ~~subsection, the provisions of subsection (1) against persons~~
8 ~~who engage in activity for which county or municipal~~
9 ~~certification is required.~~

10 ~~(a) A code enforcement officer designated pursuant to~~
11 ~~this subsection may issue a citation for any violation of~~
12 ~~subsection (1) whenever, based upon personal investigation,~~
13 ~~the code enforcement officer has reasonable and probable~~
14 ~~grounds to believe that such a violation has occurred.~~

15 ~~(b) A citation issued by a code enforcement officer~~
16 ~~shall be in a form prescribed by the local governing body of~~
17 ~~the county or municipality and shall state:~~

18 ~~1. The time and date of issuance.~~

19 ~~2. The name and address of the person to whom the~~
20 ~~citation is issued.~~

21 ~~3. The time and date of the violation.~~

22 ~~4. A brief description of the violation and the facts~~
23 ~~constituting reasonable cause.~~

24 ~~5. The name of the code enforcement officer.~~

25 ~~6. The procedure for the person to follow in order to~~
26 ~~pay the civil penalty or to contest the citation.~~

27 ~~7. The applicable civil penalty if the person elects~~
28 ~~not to contest the citation.~~

29 ~~(c) The local governing body of the county or~~
30 ~~municipality is authorized to enforce codes and ordinances~~
31 ~~against unlicensed contractors under the provisions of this~~

1 ~~section and may enact an ordinance establishing procedures for~~
2 ~~implementing this section, including a schedule of penalties~~
3 ~~to be assessed by the code enforcement officers. The maximum~~
4 ~~civil penalty which may be levied shall not exceed \$500.~~
5 ~~Moneys collected pursuant to this section shall be retained~~
6 ~~locally as provided for by local ordinance and may be set~~
7 ~~aside in a specific fund to support future enforcement~~
8 ~~activities against unlicensed contractors.~~

9 ~~(d) The act for which the citation is issued shall be~~
10 ~~ceased upon receipt of the citation; and the person charged~~
11 ~~with the violation shall elect either to correct the violation~~
12 ~~and pay the civil penalty in the manner indicated on the~~
13 ~~citation or, within 10 days of receipt of the citation,~~
14 ~~exclusive of weekends and legal holidays, request an~~
15 ~~administrative hearing before the enforcement or licensing~~
16 ~~board or designated special master to appeal the issuance of~~
17 ~~the citation by the code enforcement officer.~~

18 ~~1. Hearings shall be held before an enforcement or~~
19 ~~licensing board or designated special master as established by~~
20 ~~s. 162.03(2) and such hearings shall be conducted pursuant to~~
21 ~~ss. 162.07 and 162.08.~~

22 ~~2. Failure of a violator to appeal the decision of the~~
23 ~~code enforcement officer within the time period set forth in~~
24 ~~this paragraph shall constitute a waiver of the violator's~~
25 ~~right to an administrative hearing. A waiver of the right to~~
26 ~~administrative hearing shall be deemed an admission of the~~
27 ~~violation and penalties may be imposed accordingly.~~

28 ~~3. If the person issued the citation, or his or her~~
29 ~~designated representative, shows that the citation is invalid~~
30 ~~or that the violation has been corrected prior to appearing~~
31 ~~before the enforcement or licensing board or designated~~

1 ~~special master, the enforcement or licensing board or~~
2 ~~designated special master shall dismiss the citation unless~~
3 ~~the violation is irreparable or irreversible.~~

4 ~~4. Each day a willful, knowing violation continues~~
5 ~~shall constitute a separate offense under the provisions of~~
6 ~~this subsection.~~

7 ~~(e) A person cited for a violation pursuant to this~~
8 ~~subsection is deemed to be charged with a noncriminal~~
9 ~~infraction.~~

10 ~~(f) If the enforcement or licensing board or~~
11 ~~designated special master finds that a violation exists, the~~
12 ~~enforcement or licensing board or designated special master~~
13 ~~may order the violator to pay a civil penalty of not less than~~
14 ~~the amount set forth on the citation but not more than \$500~~
15 ~~per day for each violation. In determining the amount of the~~
16 ~~penalty, the enforcement or licensing board or designated~~
17 ~~special master shall consider the following factors:~~

18 ~~1. The gravity of the violation.~~

19 ~~2. Any actions taken by the violator to correct the~~
20 ~~violation.~~

21 ~~3. Any previous violations committed by the violator.~~

22 ~~(g) Upon written notification by the code enforcement~~
23 ~~officer that a violator had not contested the citation or paid~~
24 ~~the civil penalty within the timeframe allowed on the~~
25 ~~citation, or if a violation has not been corrected within the~~
26 ~~timeframe set forth on the notice of violation, the~~
27 ~~enforcement or licensing board or the designated special~~
28 ~~master shall enter an order ordering the violator to pay the~~
29 ~~civil penalty set forth on the citation or notice of~~
30 ~~violation, and a hearing shall not be necessary for the~~
31 ~~issuance of such order.~~

1 ~~(h) A certified copy of an order imposing a civil~~
2 ~~penalty against an uncertified contractor may be recorded in~~
3 ~~the public records and thereafter shall constitute a lien~~
4 ~~against any real or personal property owned by the violator.~~
5 ~~Upon petition to the circuit court, such order may be enforced~~
6 ~~in the same manner as a court judgment by the sheriffs of this~~
7 ~~state, including a levy against personal property; however,~~
8 ~~such order shall not be deemed to be a court judgment except~~
9 ~~for enforcement purposes. A civil penalty imposed pursuant to~~
10 ~~this part shall continue to accrue until the violator comes~~
11 ~~into compliance or until judgment is rendered in a suit to~~
12 ~~foreclose on a lien filed pursuant to this section, whichever~~
13 ~~occurs first. After 3 months from the filing of any such lien~~
14 ~~which remains unpaid, the enforcement or licensing board or~~
15 ~~designated special master may authorize the local governing~~
16 ~~body's attorney to foreclose on the lien. No lien created~~
17 ~~pursuant to the provisions of this part may be foreclosed on~~
18 ~~real property which is a homestead under s. 4, Art. X of the~~
19 ~~State Constitution.~~

20 ~~(i) This subsection does not authorize or permit a~~
21 ~~code enforcement officer to perform any function or duty of a~~
22 ~~law enforcement officer other than a function or duty that is~~
23 ~~authorized in this subsection.~~

24 ~~(j) An aggrieved party, including the local governing~~
25 ~~body, may appeal a final administrative order of an~~
26 ~~enforcement or licensing board or special designated master to~~
27 ~~the circuit court. Such an appeal shall not be a hearing de~~
28 ~~novo but shall be limited to appellate review of the record~~
29 ~~created before the enforcement or licensing board or~~
30 ~~designated special master. An appeal shall be filed within 30~~
31 ~~days of the execution of the order to be appealed.~~

1 ~~(k) All notices required by this subsection shall be~~
2 ~~provided to the alleged violator by certified mail, return~~
3 ~~receipt requested; by hand delivery by the sheriff or other~~
4 ~~law enforcement officer or code enforcement officer; by~~
5 ~~leaving the notice at the violator's usual place of residence~~
6 ~~with some person of his or her family above 15 years of age~~
7 ~~and informing such person of the contents of the notice; or by~~
8 ~~including a hearing date within the citation.~~

9 ~~(l) For those counties which enact ordinances to~~
10 ~~implement this subsection and which have local construction~~
11 ~~licensing boards or local government code enforcement boards,~~
12 ~~the local construction licensing board or local government~~
13 ~~code enforcement board shall be responsible for the~~
14 ~~administration of such citation program and training of code~~
15 ~~enforcement officers. The local governing body of the county~~
16 ~~shall enter into interlocal agreements with any municipalities~~
17 ~~in the county so that such municipalities may by ordinance,~~
18 ~~resolution, policy, or administrative order, authorize~~
19 ~~individuals to enforce the provisions of this section. Such~~
20 ~~individuals shall be subject to the requirements of training~~
21 ~~as specified by the local construction licensing board.~~

22 ~~(m) Any person who willfully refuses to sign and~~
23 ~~accept a citation issued by a code enforcement officer commits~~
24 ~~a misdemeanor of the second degree, punishable as provided in~~
25 ~~s. 775.082 or s. 775.083.~~

26 ~~(n) Nothing contained in this section shall prohibit a~~
27 ~~county or municipality from enforcing its codes or ordinances~~
28 ~~by any other means.~~

29 ~~(o) Nothing in this subsection shall be construed to~~
30 ~~authorize local jurisdictions to exercise disciplinary~~
31 ~~authority or procedures established in this subsection against~~

1 ~~an individual holding a proper valid certificate issued~~
2 ~~pursuant to this part.~~

3 (4)~~(5)~~ Local building departments may collect
4 outstanding fines against ~~registered or~~ certified contractors
5 issued by the Electrical Contractors' Licensing Board and may
6 retain 25 percent of the fines they are able to collect,
7 provided that they transmit 75 percent of the fines they are
8 able to collect to the department according to a procedure to
9 be determined by the department.

10 ~~(6)(a) The local governing body of a county or~~
11 ~~municipality, or its local enforcement body, is authorized to~~
12 ~~enforce the provisions of this part as well as its local~~
13 ~~ordinances against registered contractors, as appropriate.~~
14 ~~The local jurisdiction enforcement body may conduct~~
15 ~~disciplinary proceedings against a registered contractor and~~
16 ~~may require restitution or impose a suspension or revocation~~
17 ~~of the local license or a fine not to exceed \$5,000, or a~~
18 ~~combination thereof, against the registered contractor,~~
19 ~~according to ordinances which a local jurisdiction may enact.~~
20 ~~In addition, the local jurisdiction may assess reasonable~~
21 ~~investigative and legal costs for the prosecution of the~~
22 ~~violation against the registered contractor, according to such~~
23 ~~ordinances as the local jurisdiction may enact.~~

24 ~~(b) In addition to any action the local jurisdiction~~
25 ~~enforcement body may take against the individual's local~~
26 ~~license, and any fine the local jurisdiction may impose, the~~
27 ~~local jurisdiction enforcement body shall issue a recommended~~
28 ~~penalty for board action. This recommended penalty may~~
29 ~~include a recommendation for no further action or a~~
30 ~~recommendation for suspension, revocation, or restriction of~~
31 ~~the registration or imposition of a fine to be levied by the~~

1 ~~board, or a combination thereof. The local jurisdiction~~
2 ~~enforcement body shall inform the disciplined registered~~
3 ~~contractor and the complainant of the local penalty imposed,~~
4 ~~the board penalty recommended, the rights to appeal, and the~~
5 ~~consequences should the registered contractor decide not to~~
6 ~~appeal. The local jurisdiction enforcement body shall, upon~~
7 ~~having reached adjudication or having accepted a plea of nolo~~
8 ~~contendere, immediately inform the board of its action and the~~
9 ~~recommended board penalty.~~

10 ~~(c) The department, the disciplined registered~~
11 ~~contractor, or the complainant may challenge the local~~
12 ~~jurisdiction enforcement body's recommended penalty for board~~
13 ~~action to the Electrical Contractors' Licensing Board. A~~
14 ~~challenge shall be filed within 60 days after the issuance of~~
15 ~~the recommended penalty to the board. If challenged, there is~~
16 ~~a presumptive finding of probable cause and the case may~~
17 ~~proceed without the need for a probable cause hearing.~~

18 ~~(d) Failure of the department, the disciplined~~
19 ~~registered contractor, or the complainant to challenge the~~
20 ~~local jurisdiction's recommended penalty within the time~~
21 ~~period set forth in this subsection shall constitute a waiver~~
22 ~~of the right to a hearing before the board. A waiver of the~~
23 ~~right to a hearing before the board shall be deemed an~~
24 ~~admission of the violation, and the penalty recommended shall~~
25 ~~become a final order according to procedures developed by~~
26 ~~board rule without further board action. The disciplined~~
27 ~~registered contractor may appeal this board action to the~~
28 ~~district court.~~

29 ~~(e) The department may investigate any complaint which~~
30 ~~is made with the department. However, if the department~~
31 ~~determines that the complaint against a registered contractor~~

1 ~~is for an action which a local jurisdiction enforcement body~~
2 ~~has investigated and reached adjudication or accepted a plea~~
3 ~~of nolo contendere, including a recommended penalty to the~~
4 ~~board, the department shall not initiate prosecution for that~~
5 ~~action, unless the secretary has initiated summary procedures~~
6 ~~pursuant to s. 455.225(8).~~

7 ~~(f) Nothing in this subsection shall be construed to~~
8 ~~allow local jurisdictions to exercise disciplinary authority~~
9 ~~over certified contractors.~~

10 ~~(7) The right to create local boards in the future by~~
11 ~~any municipality or county is preserved.~~

12 ~~(5)(8)~~ The department may issue a stop-work order for
13 all unlicensed work on a project upon finding probable cause
14 to believe that electrical or alarm system work which requires
15 certification ~~or registration~~ is being performed without a
16 current, valid certificate ~~or registration~~. Stop-work orders
17 may be enforced using the procedure and remedies set forth in
18 s. 455.228.

19 Section 21. Section 489.5315, Florida Statutes, is
20 repealed.

21 Section 22. Section 489.533, Florida Statutes, as
22 amended by chapters 98-287 and 2000-141, Laws of Florida, is
23 amended to read:

24 489.533 Disciplinary proceedings.--

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

27 (a) Failure to comply with any provision of chapter
28 455.

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

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, 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) Violating the applicable building codes or laws of
28 the state or any municipality or county thereof.

29 (j) Performing any act which assists a person or
30 entity in engaging in the prohibited uncertified ~~and~~
31 ~~unregistered~~ practice of contracting, if the certificateholder

1 ~~or registrant~~ knows or has reasonable grounds to know that the
2 person or entity was uncertified ~~and unregistered~~.

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

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

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

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

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

1 to retain the excess funds under the terms of the contract or
2 refunds the excess funds within 30 days after the date of
3 abandonment;

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

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

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

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

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

28 (q) Failing to affix a ~~registration or~~ certification
29 number as required by s. 489.521(6)~~(7)~~.

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

1 (s) Practicing beyond the scope of a certification ~~or~~
2 ~~registration.~~

3
4 For the purposes of this subsection, construction is
5 considered to be commenced when the contract is executed and
6 the contractor has accepted funds from the customer or lender.

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

13 (a) Denial of an application for certification ~~or~~
14 ~~registration.~~

15 (b) Revocation or suspension of a certificate ~~or~~
16 ~~registration.~~

17 (c) Imposition of an administrative fine not to exceed
18 \$5,000 for each count or separate offense.

19 (d) Issuance of a reprimand.

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

25 (f) Restriction of the authorized scope of practice by
26 the contractor.

27 (g) Require financial restitution to a consumer.

28 (3) In recommending penalties in any proposed
29 recommended final order, the department shall follow the
30 penalty guidelines established by the board by rule. The
31 department shall advise the administrative law judge of the

1 appropriate penalty, including mitigating and aggravating
2 circumstances, and the specific rule citation.

3 (4) The board may not reinstate the certificate ~~or~~
4 ~~registration~~ of, or cause a certificate ~~or registration~~ to be
5 issued to, a person who the board has determined unqualified
6 until it is satisfied that such person has complied with all
7 the terms and conditions set forth in the final order and is
8 capable of competently engaging in the business of
9 contracting.

10 (5) When the board imposes administrative fines
11 pursuant to subsection (2) resulting from violation of chapter
12 633 or violation of the rules of the State Fire Marshal, 50
13 percent of the fine shall be paid into the Insurance
14 Commissioner's Regulatory Trust Fund to help defray the costs
15 of investigating the violations and obtaining the corrective
16 action. The State Fire Marshal may participate at its
17 discretion, but not as a party, in any proceedings before the
18 board relating to violation of chapter 633 or the rules of the
19 State Fire Marshal, in order to make recommendations as to the
20 appropriate penalty in such case. However, the State Fire
21 Marshal shall not have standing to bring disciplinary
22 proceedings regarding certification.

23 (6) The board may restrain any violation of this part
24 by action in a court of competent jurisdiction.

25 (7)(a) The department may, by rule, provide for a
26 mediation process for the complainant and the licensee.
27 Notwithstanding the provisions of chapters 120 and 455, upon
28 receipt of a legally sufficient consumer complaint alleging a
29 violation of this part, both the licensee and the complainant
30 may consent in writing to mediation within 15 days following
31 notification of this process by the department. The

1 department may suspend all action in the matter for 45 days
2 when notice of consent to mediation is received by the
3 department. If the mediation process is successfully concluded
4 within the 60-day period, the department may close the case
5 file with a notation of the disposition and the licensee's
6 record shall reflect only that a complaint was filed and
7 resolved through mediation. If mediation is rejected by
8 either the complainant or licensee, or should said parties
9 fail to reach a mediated solution within the 60-day period,
10 the department shall process the complaint in the manner
11 required by chapters 120 and 455. The mediator shall provide
12 a written report to the department of the mediation results
13 within 10 days of the conclusion of the mediation process as
14 provided by rule.

15 (b) No licensee may avail himself or herself of the
16 mediation process more than three times without the approval
17 of the board. The board may consider the subject and the
18 dates of the earlier complaints in rendering its decision. The
19 board's decision shall not be considered a final agency action
20 and is not appealable.

21 (c) The licensee shall bear all costs of mediation.

22 (d) Mediation shall be conducted according to rules of
23 practice and procedure for circuit court as adopted by the
24 Supreme Court. The mediator shall be a certified circuit
25 court mediator.

26 (e) The department, in conjunction with the board,
27 shall determine by rule the types of cases which may be
28 included in the mediation process. The department may initiate
29 or continue disciplinary action, pursuant to chapter 455 and
30 this chapter against the licensee as determined by rule.

31

1 Section 23. Section 489.5335, Florida Statutes, is
2 amended to read:

3 489.5335 Journeyman; reciprocity; standards; statewide
4 journeyman competency card.--

5 (1)(a) An individual who holds a valid, active
6 journeyman license in the electrical trade issued by any
7 county or municipality in this state may work as a journeyman
8 in any other county or municipality of this state without
9 taking an additional examination or paying an additional
10 license fee, if he or she:

11 1.(a) Has scored at least 70 percent, or after October
12 1, 1997, at least 75 percent, on a proctored journeyman Block
13 and Associates examination or other proctored examination
14 approved by the board for the electrical trade;

15 2.(b) Has completed an apprenticeship program
16 registered with the Department of Labor and Employment
17 Security and demonstrates 4 years' verifiable practical
18 experience in the electrical trade, or demonstrates 6 years'
19 verifiable practical experience in the electrical trade;

20 3.(c) Has satisfactorily completed specialized and
21 advanced module coursework approved by the Florida Building
22 Commission, as part of the Building Code Training Program
23 established in s. 553.841, specific to the discipline, and
24 successfully completed the program's core curriculum courses
25 or passed an equivalency test in lieu of taking the core
26 curriculum courses and provided proof of completion of such
27 curriculum courses or examination and obtained a certificate
28 from the board pursuant to this part or, pursuant to
29 authorization by the certifying authority, provides proof of
30 completion of such curriculum or coursework within 6 months
31 after such certification; and

1 ~~4.(d)~~ Has not had a license suspended or revoked
2 within the last 5 years.

3 (b) The department shall issue a statewide journeyman
4 competency card to each person applying for the card who has
5 submitted satisfactory evidence of having met the requirements
6 of paragraph (a) and a fee of \$25. Each statewide journeyman
7 competency card shall include a picture of the person in whose
8 name it has been issued, and such person must sign the card to
9 validate it. Each person to whom a statewide journeyman
10 competency card has been issued must have the card in his or
11 her possession while engaged in electrical trade duties. Each
12 person to whom a statewide journeyman competency card has been
13 issued is responsible for its safekeeping and may neither loan
14 the card to any other person nor allow any other person to use
15 or display it. A statewide journeyman competency card may be
16 used throughout the state for the purposes of paragraph (a)
17 and is valid unless and until revoked by the department for
18 violation of paragraph (a) or any other applicable provision
19 of state or local law.

20 (2) A local government may charge a ~~registration~~ fee
21 for reciprocity, not to exceed \$25.

22 Section 24. Section 489.537, Florida Statutes, as
23 amended by chapters 98-287 and 2000-141, Laws of Florida, is
24 amended to read:

25 489.537 Application of this part.--

26 (1) This part applies to any contractor performing
27 work for the state or any county or municipality.

28 ~~(2)(a)~~ The scope of electrical contracting shall apply
29 to private and public property and shall include any
30 excavation, paving, and other related work incidental thereto
31 and shall include the work of all specialty electrical

1 contractors. However, such electrical contractor shall
2 subcontract the work of any other craft for which an
3 examination for a certificate of competency ~~or registration or~~
4 ~~a license~~ is required, unless such contractor is certified ~~or~~
5 ~~registered or holds a license for the respective trade~~
6 ~~category as required by the appropriate local authority.~~

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

17 (3) Nothing in this act limits the power of a
18 municipality or county:

19 (a) To regulate the quality and character of work
20 performed by contractors through a system of permits, fees,
21 and inspections which is designed to secure compliance with,
22 and aid in the implementation of, state and local building
23 laws or to enforce other local laws for the protection of the
24 public health and safety.

25 ~~(b) To collect fees for occupational licenses and~~
26 ~~inspections for engaging in contracting or examination fees~~
27 ~~from persons who are registered with the local boards pursuant~~
28 ~~to local examination requirements.~~

29 (b)(c) To adopt any system of permits requiring
30 submission to and approval by the municipality or county of

31

1 plans and specifications for work to be performed by
2 contractors before commencement of the work.

3 ~~(d) To require one bond for each electrical contractor~~
4 ~~in an amount not to exceed \$5,000, which bond shall be~~
5 ~~conditioned only upon compliance with the Florida Building~~
6 ~~Code adopted pursuant to s. 553.73. Any such bond must be~~
7 ~~equally available to all electrical contractors without regard~~
8 ~~to the period of time an electrical contractor has been~~
9 ~~certified or registered and without regard to any financial~~
10 ~~responsibility requirements. Any such bonds shall be payable~~
11 ~~to the Governor and filed in each county or municipality in~~
12 ~~which a building permit is requested. Bond reciprocity shall~~
13 ~~be granted statewide. All such bonds shall be included in~~
14 ~~meeting any financial responsibility requirements imposed by~~
15 ~~any statute or rule.~~

16 (c)(e)1. To refuse to issue permits or issue permits
17 with specific conditions to a contractor who has committed
18 multiple violations, when he or she has been disciplined for
19 each of them by the board and when each disciplinary action
20 has involved revocation or suspension of a license, imposition
21 of an administrative fine of at least \$1,000, or probation.

22 2. To issue permits with specific conditions to a
23 contractor who, within the previous 12 months, has had final
24 action taken against him or her, by the department or by a
25 local board or agency which issues permits to licenses
26 contractors and has reported the action pursuant to subsection
27 paragraph (5)(e), for engaging in the business or acting in
28 the capacity of a contractor without a license.

29 (4) Any official authorized to issue building or other
30 related permits shall ascertain that the applicant contractor
31 is certified ~~or registered~~ and duly qualified according to any

1 local requirements in the area where the construction is to
2 take place before issuing the permit. The evidence shall
3 consist only of the exhibition to him or her of current
4 evidence of proper certification ~~or registration~~ and local
5 qualification.

6 ~~(5)(a) Municipalities or counties may continue to~~
7 ~~provide examinations for their territorial area, provided that~~
8 ~~no examination is given the holder of a certificate.~~

9 ~~(b) To engage in contracting in the territorial area,~~
10 ~~an applicant shall also be registered with the board.~~

11 ~~(c)~~ Each local board or agency which issues permits to
12 ~~licenses~~ contractors shall transmit monthly to the board a
13 report of any disciplinary action taken against contractors
14 and any administrative or disciplinary action taken against
15 unlicensed persons for engaging in the business or acting in
16 the capacity of a contractor, including any cease and desist
17 order issued pursuant to s. 489.516(2)(b).

18 ~~(6) The right to create local boards in the future by~~
19 ~~any municipality or county is preserved.~~

20 ~~(6)(7)~~ The scope of work of a certified unlimited
21 electrical contractor includes the work of a certified alarm
22 system contractor as provided in this part.

23 ~~(7)(8)~~ Persons licensed under this part are subject to
24 ss. 205.0535(1) and 205.065, as applicable.

25 ~~(8)(9) A registered electrical contractor, An alarm~~
26 ~~system contractor II certificateholder, and a registered alarm~~
27 ~~system contractor II~~ shall be allowed to install residential
28 smoke detectors or residential heat detectors.

29 Section 25. Subsection (3) of section 205.194, Florida
30 Statutes, is amended to read:

31

1 205.194 Prohibition of local occupational licensure
2 without exhibition of state license or registration.--

3 (3) This section shall not apply to s. 489.113, s.
4 489.117, s. 489.119, or s. 489.131, ~~s. 489.511, s. 489.513, s.~~
5 ~~489.521, or s. 489.537.~~

6 Section 26. Except as otherwise provided herein, this
7 act shall take effect October 1, 2001.

8
9 *****

10 HOUSE SUMMARY

11 Provides for statewide regulation of electrical and alarm
12 system contractors by eliminating the local licensure
13 category of registration and replacing it with the
14 licensure category of local certification. Provides for
15 local certification of only currently registered
16 contractors, allows renewal but not expansion of such
17 certification to other areas of the state or other types
18 of work, and provides for expiration of the licensure
19 category upon expiration of the last local certificate.
20 Extends certification grandfathering provisions to local
21 certificateholders. Expands the membership of the
22 Electrical Contractors' Licensing Board to include local
23 certified contractors. Expands the duties of the board to
24 require employment of staff sufficient to ensure uniform
25 and prompt regulation of electrical and alarm system
26 contracting and regular review of board operations to
27 determine whether there are functions or services of the
28 board that can be outsourced to increase productivity.
29 Provides for a statewide journeyman competency card. See
30 bill for details.
31