

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; providing for transition from
10 registration to local certification; amending
11 s. 489.509, F.S.; revising and providing fees;
12 creating s. 489.512, F.S.; providing for local
13 certification of registered electrical and
14 alarm system contractors; providing
15 requirements with respect to local
16 certification; providing for expiration of such
17 licensure category; repealing s. 489.513, F.S.,
18 to eliminate registration of electrical and
19 alarm system contracting; revising various
20 provisions of pt. II, ch. 489, F.S., relating
21 to electrical and alarm system contracting, to
22 conform; amending s. 489.514, F.S.; extending
23 certification grandfathering provisions to
24 local certificateholders; amending s. 489.516,
25 F.S.; requiring persons desiring to engage in
26 electrical or alarm system contracting in the
27 state to be certified; deleting the requirement
28 to pay the fee for a local occupational
29 license; amending s. 489.517, F.S.; providing
30 for quadrennial renewal of certificates;
31 revising continuing education requirements, to

1 conform; amending s. 489.5185, F.S.; revising
2 certain time limits; providing for quadrennial
3 renewal of identification cards of fire alarm
4 system agents; revising continuing education
5 requirements, to conform; amending s. 489.521,
6 F.S.; deleting requirements of business
7 organizations relating to local occupational
8 licenses; amending s. 489.5335, F.S.; providing
9 for a statewide journeyman competency card;
10 requiring a fee; amending s. 489.537, F.S.;
11 deleting provisions that preserve the power of
12 counties and municipalities to collect local
13 occupational license and inspection fees,
14 require a bond for each electrical contractor,
15 and create local boards; deleting provisions
16 relating to registration; amending s. 489.537,
17 F.S.; requiring a licensed electrical
18 journeyman at a specified type of new
19 construction site; amending ss. 489.503,
20 489.510, 489.511, 489.515, 489.518, 489.519,
21 489.520, 489.523, 489.531, and 489.533, F.S.;
22 deleting or revising references and provisions
23 relating to registration, to conform; amending
24 s. 489.518, F.S.; revising certain time limits;
25 amending s. 205.194, F.S.; deleting cross
26 references, to conform; creating s. 489.5391,
27 F.S.; providing for issuance of a notice of
28 noncompliance, imposition of an administrative
29 fine, and assessment of costs of prosecution
30 for unlicensed contracting; specifying that
31 such remedies are not exclusive; providing uses

1 of fine proceeds; requiring the creation of a
2 web page dedicated to listing information on
3 unlicensed contractors; providing effective
4 dates.

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

7
8 Section 1. Subsections (1), (16), and (20) of section
9 489.503, Florida Statutes, are amended to read:

10 489.503 Exemptions.--This part does not apply to:

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

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

- 19 1. Holds himself or herself or his or her employer out
20 to be licensed or qualified by a licensee;
- 21 2. Leads the consumer to believe that the employee has
22 an ownership or management interest in the company; or
- 23 3. Performs any of the acts which constitute
24 contracting.

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

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30 For the purpose of this part, "employee" is defined as a
31 person who receives compensation from, and is under the

1 supervision and control of, an employer who regularly deducts
2 the F.I.C.A. and withholding tax and provides workers'
3 compensation, all as prescribed by law.

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

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

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

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

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

5 489.505 Definitions.--As used in this part:

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

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

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

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

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

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

28 (5) "Certificateholder" means a contractor who has
29 obtained a certificate of competency.

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1 (6) "Certification" means the act of obtaining or
2 holding a certificate of competency from the department as
3 provided in this part.

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

23 (8) "Certified electrical contractor" means an
24 electrical contractor who possesses a certificate of
25 competency issued by the department.

26 (9) "Contracting" means, except where exempted in this
27 part, engaging in business as a contractor or performing
28 electrical or alarm work for compensation and includes, but is
29 not limited to, performance of any of the acts found in
30 subsections (2) and (12), which define the services which a
31 contractor is allowed to perform. The attempted sale of

1 contracting services and the negotiation or bid for a contract
2 on these services also constitutes contracting. If the
3 services offered require licensure or agent qualification, the
4 offering, negotiation for a bid, or attempted sale of these
5 services requires the corresponding licensure.

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

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

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

29 (13) "Journeyman" means a person working in an
30 apprenticeable occupation who has successfully completed a
31 registered apprenticeship program or who has worked the number

1 of years required by established industry practices for the
2 particular trade or occupation.

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

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

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

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

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

1 department, as attested to by the board; and who has been
2 issued a certificate of competency by the department.

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

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

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

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

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

27 ~~(21) "Registered alarm system contractor I" means an~~
28 ~~alarm system contractor whose business includes all types of~~
29 ~~alarm systems for all purposes and who is registered with the~~
30 ~~department pursuant to s. 489.513. A registered alarm system~~

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1 ~~contractor I may contract only in the jurisdictions for which~~
2 ~~his or her registration is issued.~~

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

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

18 ~~(21)(24)~~ "Licensure" means any type of certification
19 ~~or registration~~ provided for in this part.

20 ~~(22)(25)~~ "Burglar alarm system agent" means a person:

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

23 (b) Who is performing duties which are an element of
24 an activity which constitutes alarm system contracting
25 requiring licensure 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 an intrusion or burglar alarm system for compensation.

30 ~~(23)(26)~~ "Personal emergency response system" means
31 any device which is simply plugged into a telephone jack or

1 electrical receptacle and which is designed to initiate a
2 telephone call to a person who responds to, or has a
3 responsibility to determine the proper response to, personal
4 emergencies, but does not include hard-wired or wireless alarm
5 systems designed to detect intrusion or fire.

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

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

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

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

18 (d) The person is not employed in a proprietary
19 monitoring facility, as defined by the National Fire
20 Protection Association pursuant to rule adopted under chapter
21 633.

22 (25)~~(28)~~ "Fire alarm system agent" means a person:

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

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

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

1 Section 3. Section 489.507, Florida Statutes, is
2 amended to read:

3 489.507 Electrical Contractors' Licensing Board.--

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

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

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

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

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1 ~~(c)(5)~~ Any proposed board rule which has not been
2 modified to remove proposed committee objections of the
3 Administrative Procedures Committee must receive approval from
4 the department prior to filing the rule with the Department of
5 State for final adoption. The department may repeal any rule
6 enacted by the board which has taken effect without having met
7 proposed committee objections of the Administrative Procedures
8 Committee.

9 ~~(4)(6)~~ The Electrical Contractors' Licensing Board and
10 the Construction Industry Licensing Board shall each appoint a
11 committee to meet jointly at least twice a year.

12 Section 4. Effective upon this act becoming a law, the
13 Electrical Contractors' Licensing Board may begin
14 implementation of the local certification licensure category
15 pursuant to its authority under section 489.507(3), Florida
16 Statutes, to effect the transition from registration to local
17 certification on October 1, 2002, as contemplated by this act.

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

20 489.509 Fees.--

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

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

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

24 Section 6. Section 489.510, Florida Statutes, is
25 amended to read:

26 489.510 Evidence of workers' compensation
27 coverage.--Except as provided in s. 489.515(2)~~(3)~~(b), any
28 person, business organization, or qualifying agent engaged in
29 the business of contracting in this state and certified ~~or~~
30 ~~registered~~ under this part shall, as a condition precedent to
31 the issuance or renewal of a certificate ~~or registration~~ of

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

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

30 489.511 Certification; application; examinations;
31 endorsement.--

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

4 Section 8. Section 489.512, Florida Statutes, is
5 created to read:

6 489.512 Local certification.--

7 (1)(a) Each contractor who on October 1, 2002, is the
8 holder of a current, valid registration which was issued under
9 this part prior to that date shall be redesignated as a local
10 certified electrical or alarm system contractor, as
11 applicable, and issued the applicable local certificate by the
12 department. A local certificate permits the holder to engage
13 in contracting only in the area and for the type of work
14 covered by the registration the local certificate is
15 replacing.

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

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

25 (2) The local jurisdictions shall be responsible for
26 providing code violation information pursuant to s. 553.781
27 and disciplinary information on local certified electrical or
28 alarm system contractors to the board within 30 days after any
29 disciplinary action, and the board shall maintain such
30 information as is provided to them and shall make such
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1 information available through the automated information system
2 provided pursuant to s. 455.2286.

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

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

7 489.514 Certification for local certified ~~registered~~
8 contractors; grandfathering provisions.--

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

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

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

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

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

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

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

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

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

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

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

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

30 ~~(4)(3)~~ An applicant must make application by November
31 1, 2004, to be licensed pursuant to this section.

1 Section 11. Section 489.515, Florida Statutes, is
2 amended to read:

3 489.515 Issuance of certificates ~~and registrations~~.--

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

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

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

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

26 (2)~~(3)~~(a) As a prerequisite to the initial issuance or
27 the renewal of a certificate ~~or registration~~, the applicant
28 shall submit an affidavit on a form provided by the board
29 attesting to the fact that the applicant has obtained both
30 workers' compensation insurance or an acceptable exemption
31 certificate issued by the department and public liability and

1 property damage insurance for the health, safety, and welfare
2 of the public in amounts determined by rule of the board. The
3 board shall by rule establish a procedure to verify the
4 accuracy of such affidavits based upon a random audit method.

5 (b) An applicant for initial issuance of a certificate
6 ~~or registration~~ shall submit as a prerequisite to qualifying
7 for an exemption from workers' compensation coverage
8 requirements under s. 440.05 an affidavit attesting to the
9 fact that the applicant will obtain an exemption within 30
10 days after the date the initial certificate ~~or registration~~ is
11 issued by the board.

12 ~~(3)(4)~~ The board may refuse to certify any applicant
13 who has violated any of the provisions of s. 489.533.

14 ~~(4)(5)~~ A certificate ~~or registration~~ is not
15 transferable.

16 Section 12. Subsections (1), (2), and (3) of section
17 489.516, Florida Statutes, are amended to read:

18 489.516 Qualifications to practice; restrictions;
19 prerequisites.--

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

30 (2) A ~~No~~ person who is not certified under this part
31 may not ~~or registered shall~~ engage in the business of

1 electrical or alarm system contracting in this state. To
2 enforce this subsection:

3 (a) The department shall issue a cease and desist
4 order to prohibit any person from engaging in the business of
5 contracting who does not hold the required certification ~~or~~
6 ~~registration~~ for the work being performed under this part.
7 For the purpose of enforcing a cease and desist order, the
8 department may file a proceeding in the name of the state
9 seeking issuance of an injunction or a writ of mandamus
10 against any person who violates any provision of such order.

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

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

1 through the public hearing process, has been found guilty, in
2 another county or municipality within the past 12 months, of
3 fraud or a willful building code violation and finds, after
4 providing notice to the contractor, that such fraud or
5 violation would have been fraud or a violation if committed in
6 the county or municipality that the local construction board
7 represents. Notification of and information concerning such
8 permit denial shall be submitted to the Department of Business
9 and Professional Regulation within 15 days after the local
10 construction regulation board decides to deny the permit.

11 Section 13. Section 489.517, Florida Statutes, is
12 amended to read:

13 489.517 Renewal of certificate ~~or registration~~;
14 continuing education.--

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

18 (2) The department shall adopt rules establishing a
19 procedure for the quadrennial ~~biennial~~ renewal of certificates
20 ~~and registrations~~.

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

31

1 (b) Each certificateholder ~~or registrant~~ shall provide
2 to the board proof of completion of the core curriculum
3 courses or passing the equivalency test of the Building Code
4 Training Program established under s. 553.841, specific to the
5 licensing category sought, within 4 ~~2~~ years after commencement
6 of the program or of initial certification ~~or registration~~,
7 whichever is later. Classroom hours spent taking core
8 curriculum courses shall count toward the number required for
9 renewal of certificate ~~or registration~~. A certificateholder
10 ~~or registrant~~ who passes the equivalency test in lieu of
11 taking the core curriculum courses shall receive full credit
12 for core curriculum course hours.

13 (4)(a) If a certificateholder ~~or registrant~~ holds a
14 license under both this part and part I and is required to
15 have continuing education courses under s. 489.115(4)(b)1.,
16 the certificateholder ~~or registrant~~ may apply those course
17 hours for workers' compensation, workplace safety, and
18 business practices obtained under part I to the requirements
19 under this part.

20 (b) Of the 28 ~~14~~ classroom hours of continuing
21 education required, at least 14 ~~7~~ hours must be on technical
22 subjects, 2 hours ~~1 hour~~ on workers' compensation, 2 hours ~~1~~
23 ~~hour~~ on workplace safety, and 2 hours ~~1 hour~~ on business
24 practices.

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

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

7 Section 14. Paragraphs (d) and (e) of subsection (2)
8 and subsection (3) of section 489.518, Florida Statutes, are
9 amended to read:

10 489.518 Alarm system agents.--

11 (2)

12 (d) A state-certified electrical contractor, a
13 state-certified alarm system contractor, a local certified
14 ~~state-registered~~ alarm system contractor, a journeyman
15 electrician licensed by any local jurisdiction, or an alarm
16 technician licensed by a local jurisdiction that requires an
17 examination and experience or training as licensure
18 qualifications, is not required to complete the training
19 required for burglar alarm system agents. A local certified
20 ~~state-registered~~ electrical contractor is not required to
21 complete the training required for burglar alarm system
22 agents, so long as he or she is only doing electrical work up
23 to the alarm panel.

24 (e) A nonsupervising employee working as a helper or
25 apprentice under the direct, on-site, continuous supervision
26 of a state-certified electrical contractor, a local certified
27 ~~state-registered~~ electrical contractor, a state-certified
28 alarm system contractor, a local certified ~~state-registered~~
29 alarm system contractor, a journeyman electrician licensed by
30 any local jurisdiction, an alarm technician licensed by a
31 local jurisdiction that requires an examination and experience

1 or training as licensure qualifications, or a qualified alarm
2 system agent is not required to complete the training
3 otherwise required and is not required to be 18 years of age
4 or older.

5 (3) An applicant for employment as an alarm system
6 agent, or an individual employed as a burglar alarm system
7 agent on the effective date of this act, may commence or
8 continue employment pending the completion of the required
9 training and the results of the background check required by
10 this section for a period not to exceed 120 ~~60~~ days after the
11 date of application for employment, or 120 ~~60~~ days after the
12 effective date of this act for individuals currently employed
13 as burglar alarm system agents. However, the person must work
14 under the direction and control of a sponsoring licensed
15 electrical or burglar alarm system contractor pending the
16 completion of the training and the criminal background check.
17 If an applicant or an individual employed on the effective
18 date of this act does not complete the training or receive a
19 satisfactory criminal background check within the 120-day
20 ~~60-day~~ period, the employment must be terminated immediately.

21 Section 15. Paragraphs (b) and (c) of subsection (2)
22 and subsections (3), (4), and (5) of section 489.5185, Florida
23 Statutes, are amended to read:

24 489.5185 Fire alarm system agents.--

25 (2)

26 (b) A state-certified electrical contractor, a
27 state-certified fire alarm system contractor, a local
28 certified ~~state-registered~~ fire alarm system contractor, a
29 journeyman electrician licensed by any local jurisdiction, or
30 an alarm technician licensed by a local jurisdiction that
31 requires an examination and experience or training as

1 licensure qualifications is not required to complete the
2 training required for fire alarm system agents. A local
3 certified ~~state-registered~~ electrical contractor is not
4 required to complete the training required for fire alarm
5 system agents, so long as he or she is only doing electrical
6 work up to the alarm panel.

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

19 (3) An applicant for employment as a fire alarm system
20 agent may commence employment, or an individual employed as a
21 fire alarm system agent on the effective date of this act may
22 continue employment, pending completion of both the training
23 and the fingerprint and criminal background checks required by
24 this section, for a period not to exceed 120 ~~90~~ days after the
25 date of application for employment or 120 ~~90~~ days after the
26 effective date of this act for individuals employed as fire
27 alarm system agents on that date. However, the person must
28 work under the direction and control of a sponsoring certified
29 unlimited electrical contractor or licensed fire alarm
30 contractor until completion of both the training and the
31 fingerprint and criminal background checks. If an applicant or

1 an individual employed on the effective date of this act does
2 not complete the training or receive satisfactory fingerprint
3 and criminal background checks within the 120-day ~~90-day~~
4 period, the employment must be terminated immediately.

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

8 (b) The card shall follow a board-approved format, to
9 include a picture of the agent; shall specify at least the
10 name of the holder of the card and the name and license number
11 of the certified unlimited electrical contractor or licensed
12 fire alarm contractor; and shall be signed by both the
13 contractor and the holder of the card. Each identification
14 card shall be valid for a period of 4 ~~2~~ years after the date
15 of issuance. The identification card must be in the possession
16 of the fire alarm system agent while engaged in fire alarm
17 system agent duties.

18 (c) Each person to whom an identification card has
19 been issued is responsible for the safekeeping thereof, and
20 may not loan, or allow any other person to use or display, the
21 identification card.

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

26 (5) Each fire alarm system agent must receive 12 ~~6~~
27 hours of continuing education on fire alarm system
28 installation and repair every 4 ~~2~~ years from a board-approved
29 sponsor of training and through a board-approved training
30 course.

31

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

3 489.519 Inactive status.--

4 (1) A certificate ~~or registration~~ that has become
5 inactive may be reactivated under s. 489.517 upon application
6 to the department. The board may prescribe, by rule,
7 continuing education requirements as a condition of
8 reactivating a certificate ~~or registration~~. The continuing
9 education requirements for reactivating a certificate ~~or~~
10 ~~registration~~ may not exceed 12 classroom hours for each year
11 the certificate ~~or registration~~ was inactive.

12 (2) Notwithstanding any provision of s. 455.271 to the
13 contrary, a certificateholder ~~or registrant~~ may apply to the
14 department for voluntary inactive status at any time during
15 the period of certification ~~or registration~~.

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

18 489.520 Automated licensure status information
19 system.--By January 1, 1995, the department shall implement an
20 automated licensure status information system for electrical
21 and alarm system contracting. The system shall provide instant
22 notification to local building departments and other
23 interested parties, as determined by the board or department,
24 regarding the status of the certification ~~or registration~~ of
25 any contractor certified ~~or registered~~ pursuant to the
26 provisions of this part. The provision of such information
27 shall consist, at a minimum, of an indication of whether the
28 certification ~~or registration~~ of the contractor applying for a
29 permit is active, of any current failure of the contractor to
30 make restitution according to the terms of any final action by
31 the board, of any ongoing disciplinary cases against the

1 contractor that are subject to public disclosure, and whether
2 there are any outstanding fines against the contractor.

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

6 489.521 Business organizations; qualifying agents.--

7 (2)(a)1. If the applicant proposing to engage in
8 contracting is a partnership, corporation, business trust, or
9 other legal entity, other than a sole proprietorship, the
10 application shall state the name of the partnership and its
11 partners; the name of the corporation and its officers and
12 directors and the name of each of its stockholders who is also
13 an officer or director; the name of the business trust and its
14 trustees; or the name of such other legal entity and its
15 members. In addition, the applicant shall furnish evidence of
16 statutory compliance if a fictitious name is used. A joint
17 venture, including a joint venture composed of qualified
18 business organizations, is itself a separate and distinct
19 organization that shall be qualified in accordance with board
20 rules. The ~~registration or~~ certification, when issued upon
21 application of a business organization, shall be in the name
22 of the qualifying agent, and the name of the business
23 organization shall be noted thereon. If there is a change in
24 any information that is required to be stated on the
25 application, the business organization shall, within 45 days
26 after such change occurs, mail the correct information to the
27 department.

28 2. Any person certified ~~or registered~~ pursuant to this
29 part who has had his or her license revoked shall not be
30 eligible for a 5-year period to be a partner, officer,
31 director, or trustee of a business organization as defined by

1 this section. Such person shall also be ineligible to reapply
2 for certification ~~or registration~~ under this part for a period
3 of 5 years.

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

12 (6)(7)(a) Each ~~registered or~~ certified contractor
13 shall affix the number of his or her ~~registration or~~
14 certification to each application for a building permit and to
15 each building permit issued and recorded. Each city or county
16 building department shall require, as a precondition for the
17 issuance of a building permit, that the contractor applying
18 for the permit provide verification giving the number of his
19 or her ~~registration or~~ certification under this part.

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

1 but who does not hold a valid state certification ~~or~~
2 ~~registration~~, commits a misdemeanor of the second degree,
3 punishable as provided in s. 775.082 or s. 775.083.
4 (7)~~(8)~~ Each qualifying agent shall pay the department
5 an amount equal to the original fee for certification ~~or~~
6 ~~registration~~ to qualify any additional business organizations.
7 If the qualifying agent for a business organization desires to
8 qualify additional business organizations, the board shall
9 require him or her to present evidence of supervisory ability
10 and financial responsibility of each such organization.
11 Allowing a licensee to qualify more than one business
12 organization shall be conditioned upon the licensee showing
13 that the licensee has both the capacity and intent to
14 adequately supervise each business organization in accordance
15 with s. 489.522(1). The board shall not limit the number of
16 business organizations which the licensee may qualify except
17 upon the licensee's failing to provide such information as is
18 required under this subsection or upon a finding that such
19 information or evidence as is supplied is incomplete or
20 unpersuasive in showing the licensee's capacity and intent to
21 comply with the requirements of this subsection. A
22 qualification for an additional business organization may be
23 revoked or suspended upon a finding by the board that the
24 licensee has failed in the licensee's responsibility to
25 adequately supervise the operations of that business
26 organization in accordance with s. 489.522(1). Failure of the
27 responsibility to adequately supervise the operations of a
28 business organization in accordance with s. 489.522(1) shall
29 be grounds for denial to qualify additional business
30 organizations.
31

1 (8)~~(9)~~ If a business organization or any of its
2 partners, officers, directors, trustees, or members is
3 disciplined for violating s. 489.533(1), the board may, on
4 that basis alone, deny issuance of a certificate ~~or~~
5 ~~registration~~ to a qualifying agent on behalf of that business
6 organization.

7 Section 19. Section 489.523, Florida Statutes, is
8 amended to read:

9 489.523 Emergency certification ~~registration~~ upon
10 death of contractor.--If an incomplete contract exists at the
11 time of death of a contractor, the contract may be completed
12 by any person even though not certified. The person shall
13 notify the appropriate board, within 30 days after the death
14 of the contractor, of his or her name and address, knowledge
15 of the contract, and ability to complete it. If the board
16 approves, he or she may proceed with the contract. The board
17 shall then issue an emergency certification ~~registration~~ which
18 shall expire upon the completion of the contract. For purposes
19 of this section, and upon written approval of the board, an
20 incomplete contract may be one which has been awarded to, or
21 entered into by, the contractor before his or her death, or on
22 which he or she was the low bidder and the contract is
23 subsequently awarded to him or her, regardless of whether any
24 actual work has commenced under the contract before the
25 contractor's death.

26 Section 20. Section 489.531, Florida Statutes, is
27 amended to read:

28 489.531 Prohibitions; penalties.--

29 (1) A person may not:

30 (a) Practice contracting unless the person is
31 certified ~~or registered~~;

- 1 (b) Use the name or title "electrical contractor" or
2 "alarm system contractor" or words to that effect, or
3 advertise himself or herself or a business organization as
4 available to practice electrical or alarm system contracting,
5 when the person is not then the holder of a valid
6 certification ~~or registration~~ issued pursuant to this part;
7 (c) Present as his or her own the certificate ~~or~~
8 ~~registration~~ of another;
9 (d) Use or attempt to use a certificate ~~or~~
10 ~~registration~~ that has been suspended, revoked, or placed on
11 inactive or delinquent status;
12 (e) Employ persons who are not certified ~~or registered~~
13 to practice contracting;
14 (f) Knowingly give false or forged evidence to the
15 department, the board, or a member thereof;
16 (g) Operate a business organization engaged in
17 contracting after 60 days following the termination of its
18 only qualifying agent without designating another primary
19 qualifying agent;
20 (h) Conceal information relative to violations of this
21 part;
22 (i) Commence or perform work for which a building
23 permit is required pursuant to part VII of chapter 553 without
24 the building permit being in effect; or
25 (j) Willfully or deliberately disregard or violate any
26 municipal or county ordinance relating to uncertified ~~or~~
27 ~~unregistered~~ contractors.
28 (2) Any person who violates any provision of
29 subsection (1) commits a misdemeanor of the first degree,
30 punishable as provided in s. 775.082 or s. 775.083.
31

1 (3)(a) Any unlicensed person who violates any of the
2 provisions of subsection (1) commits a misdemeanor of the
3 first degree, punishable as provided in s. 775.082 or s.
4 775.083.

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

9 (c) Any unlicensed person who commits a violation of
10 subsection (1) during the existence of a state of emergency
11 declared by executive order of the Governor commits a felony
12 of the third degree, punishable as provided in s. 775.082 or
13 s. 775.083.

14
15 The remedies set forth in this subsection are not exclusive
16 and may be imposed in addition to the remedies set forth in s.
17 489.533(2).

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

24 ~~(a) A code enforcement officer designated pursuant to~~
25 ~~this subsection may issue a citation for any violation of~~
26 ~~subsection (1) whenever, based upon personal investigation,~~
27 ~~the code enforcement officer has reasonable and probable~~
28 ~~grounds to believe that such a violation has occurred.~~

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

- 1 ~~1. The time and date of issuance.~~
- 2 ~~2. The name and address of the person to whom the~~
- 3 ~~citation is issued.~~
- 4 ~~3. The time and date of the violation.~~
- 5 ~~4. A brief description of the violation and the facts~~
- 6 ~~constituting reasonable cause.~~
- 7 ~~5. The name of the code enforcement officer.~~
- 8 ~~6. The procedure for the person to follow in order to~~
- 9 ~~pay the civil penalty or to contest the citation.~~
- 10 ~~7. The applicable civil penalty if the person elects~~
- 11 ~~not to contest the citation.~~
- 12 ~~(c) The local governing body of the county or~~
- 13 ~~municipality is authorized to enforce codes and ordinances~~
- 14 ~~against unlicensed contractors under the provisions of this~~
- 15 ~~section and may enact an ordinance establishing procedures for~~
- 16 ~~implementing this section, including a schedule of penalties~~
- 17 ~~to be assessed by the code enforcement officers. The maximum~~
- 18 ~~civil penalty which may be levied shall not exceed \$500.~~
- 19 ~~Moneys collected pursuant to this section shall be retained~~
- 20 ~~locally as provided for by local ordinance and may be set~~
- 21 ~~aside in a specific fund to support future enforcement~~
- 22 ~~activities against unlicensed contractors.~~
- 23 ~~(d) The act for which the citation is issued shall be~~
- 24 ~~ceased upon receipt of the citation; and the person charged~~
- 25 ~~with the violation shall elect either to correct the violation~~
- 26 ~~and pay the civil penalty in the manner indicated on the~~
- 27 ~~citation or, within 10 days of receipt of the citation,~~
- 28 ~~exclusive of weekends and legal holidays, request an~~
- 29 ~~administrative hearing before the enforcement or licensing~~
- 30 ~~board or designated special master to appeal the issuance of~~
- 31 ~~the citation by the code enforcement officer.~~

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

5 ~~2. Failure of a violator to appeal the decision of the~~
6 ~~code enforcement officer within the time period set forth in~~
7 ~~this paragraph shall constitute a waiver of the violator's~~
8 ~~right to an administrative hearing. A waiver of the right to~~
9 ~~administrative hearing shall be deemed an admission of the~~
10 ~~violation and penalties may be imposed accordingly.~~

11 ~~3. If the person issued the citation, or his or her~~
12 ~~designated representative, shows that the citation is invalid~~
13 ~~or that the violation has been corrected prior to appearing~~
14 ~~before the enforcement or licensing board or designated~~
15 ~~special master, the enforcement or licensing board or~~
16 ~~designated special master shall dismiss the citation unless~~
17 ~~the violation is irreparable or irreversible.~~

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

21 ~~(e) A person cited for a violation pursuant to this~~
22 ~~subsection is deemed to be charged with a noncriminal~~
23 ~~infraction.~~

24 ~~(f) If the enforcement or licensing board or~~
25 ~~designated special master finds that a violation exists, the~~
26 ~~enforcement or licensing board or designated special master~~
27 ~~may order the violator to pay a civil penalty of not less than~~
28 ~~the amount set forth on the citation but not more than \$500~~
29 ~~per day for each violation. In determining the amount of the~~
30 ~~penalty, the enforcement or licensing board or designated~~
31 ~~special master shall consider the following factors:~~

1 1. ~~The gravity of the violation.~~
2 2. ~~Any actions taken by the violator to correct the~~
3 ~~violation.~~
4 3. ~~Any previous violations committed by the violator.~~
5 ~~(g) Upon written notification by the code enforcement~~
6 ~~officer that a violator had not contested the citation or paid~~
7 ~~the civil penalty within the timeframe allowed on the~~
8 ~~citation, or if a violation has not been corrected within the~~
9 ~~timeframe set forth on the notice of violation, the~~
10 ~~enforcement or licensing board or the designated special~~
11 ~~master shall enter an order ordering the violator to pay the~~
12 ~~civil penalty set forth on the citation or notice of~~
13 ~~violation, and a hearing shall not be necessary for the~~
14 ~~issuance of such order.~~
15 ~~(h) A certified copy of an order imposing a civil~~
16 ~~penalty against an uncertified contractor may be recorded in~~
17 ~~the public records and thereafter shall constitute a lien~~
18 ~~against any real or personal property owned by the violator.~~
19 ~~Upon petition to the circuit court, such order may be enforced~~
20 ~~in the same manner as a court judgment by the sheriffs of this~~
21 ~~state, including a levy against personal property; however,~~
22 ~~such order shall not be deemed to be a court judgment except~~
23 ~~for enforcement purposes. A civil penalty imposed pursuant to~~
24 ~~this part shall continue to accrue until the violator comes~~
25 ~~into compliance or until judgment is rendered in a suit to~~
26 ~~foreclose on a lien filed pursuant to this section, whichever~~
27 ~~occurs first. After 3 months from the filing of any such lien~~
28 ~~which remains unpaid, the enforcement or licensing board or~~
29 ~~designated special master may authorize the local governing~~
30 ~~body's attorney to foreclose on the lien. No lien created~~
31 ~~pursuant to the provisions of this part may be foreclosed on~~

1 ~~real property which is a homestead under s. 4, Art. X of the~~
2 ~~State Constitution.~~

3 ~~(i) This subsection does not authorize or permit a~~
4 ~~code enforcement officer to perform any function or duty of a~~
5 ~~law enforcement officer other than a function or duty that is~~
6 ~~authorized in this subsection.~~

7 ~~(j) An aggrieved party, including the local governing~~
8 ~~body, may appeal a final administrative order of an~~
9 ~~enforcement or licensing board or special designated master to~~
10 ~~the circuit court. Such an appeal shall not be a hearing de~~
11 ~~novo but shall be limited to appellate review of the record~~
12 ~~created before the enforcement or licensing board or~~
13 ~~designated special master. An appeal shall be filed within 30~~
14 ~~days of the execution of the order to be appealed.~~

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

23 ~~(l) For those counties which enact ordinances to~~
24 ~~implement this subsection and which have local construction~~
25 ~~licensing boards or local government code enforcement boards,~~
26 ~~the local construction licensing board or local government~~
27 ~~code enforcement board shall be responsible for the~~
28 ~~administration of such citation program and training of code~~
29 ~~enforcement officers. The local governing body of the county~~
30 ~~shall enter into interlocal agreements with any municipalities~~
31 ~~in the county so that such municipalities may by ordinance,~~

1 ~~resolution, policy, or administrative order, authorize~~
2 ~~individuals to enforce the provisions of this section. Such~~
3 ~~individuals shall be subject to the requirements of training~~
4 ~~as specified by the local construction licensing board.~~

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

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

12 ~~(o) Nothing in this subsection shall be construed to~~
13 ~~authorize local jurisdictions to exercise disciplinary~~
14 ~~authority or procedures established in this subsection against~~
15 ~~an individual holding a proper valid certificate issued~~
16 ~~pursuant to this part.~~

17 (4)(5) Local building departments may collect
18 outstanding fines against ~~registered~~ or certified contractors
19 issued by the Electrical Contractors' Licensing Board and may
20 retain 25 percent of the fines they are able to collect,
21 provided that they transmit 75 percent of the fines they are
22 able to collect to the department according to a procedure to
23 be determined by the department.

24 ~~(6)(a) The local governing body of a county or~~
25 ~~municipality, or its local enforcement body, is authorized to~~
26 ~~enforce the provisions of this part as well as its local~~
27 ~~ordinances against registered contractors, as appropriate.~~
28 ~~The local jurisdiction enforcement body may conduct~~
29 ~~disciplinary proceedings against a registered contractor and~~
30 ~~may require restitution or impose a suspension or revocation~~
31 ~~of the local license or a fine not to exceed \$5,000, or a~~

1 ~~combination thereof, against the registered contractor,~~
2 ~~according to ordinances which a local jurisdiction may enact.~~
3 ~~In addition, the local jurisdiction may assess reasonable~~
4 ~~investigative and legal costs for the prosecution of the~~
5 ~~violation against the registered contractor, according to such~~
6 ~~ordinances as the local jurisdiction may enact.~~

7 ~~(b) In addition to any action the local jurisdiction~~
8 ~~enforcement body may take against the individual's local~~
9 ~~license, and any fine the local jurisdiction may impose, the~~
10 ~~local jurisdiction enforcement body shall issue a recommended~~
11 ~~penalty for board action. This recommended penalty may~~
12 ~~include a recommendation for no further action or a~~
13 ~~recommendation for suspension, revocation, or restriction of~~
14 ~~the registration or imposition of a fine to be levied by the~~
15 ~~board, or a combination thereof. The local jurisdiction~~
16 ~~enforcement body shall inform the disciplined registered~~
17 ~~contractor and the complainant of the local penalty imposed,~~
18 ~~the board penalty recommended, the rights to appeal, and the~~
19 ~~consequences should the registered contractor decide not to~~
20 ~~appeal. The local jurisdiction enforcement body shall, upon~~
21 ~~having reached adjudication or having accepted a plea of nolo~~
22 ~~contendere, immediately inform the board of its action and the~~
23 ~~recommended board penalty.~~

24 ~~(c) The department, the disciplined registered~~
25 ~~contractor, or the complainant may challenge the local~~
26 ~~jurisdiction enforcement body's recommended penalty for board~~
27 ~~action to the Electrical Contractors' Licensing Board. A~~
28 ~~challenge shall be filed within 60 days after the issuance of~~
29 ~~the recommended penalty to the board. If challenged, there is~~
30 ~~a presumptive finding of probable cause and the case may~~
31 ~~proceed without the need for a probable cause hearing.~~

1 ~~(d) Failure of the department, the disciplined~~
2 ~~registered contractor, or the complainant to challenge the~~
3 ~~local jurisdiction's recommended penalty within the time~~
4 ~~period set forth in this subsection shall constitute a waiver~~
5 ~~of the right to a hearing before the board. A waiver of the~~
6 ~~right to a hearing before the board shall be deemed an~~
7 ~~admission of the violation, and the penalty recommended shall~~
8 ~~become a final order according to procedures developed by~~
9 ~~board rule without further board action. The disciplined~~
10 ~~registered contractor may appeal this board action to the~~
11 ~~district court.~~

12 ~~(e) The department may investigate any complaint which~~
13 ~~is made with the department. However, if the department~~
14 ~~determines that the complaint against a registered contractor~~
15 ~~is for an action which a local jurisdiction enforcement body~~
16 ~~has investigated and reached adjudication or accepted a plea~~
17 ~~of nolo contendere, including a recommended penalty to the~~
18 ~~board, the department shall not initiate prosecution for that~~
19 ~~action, unless the secretary has initiated summary procedures~~
20 ~~pursuant to s. 455.225(8).~~

21 ~~(f) Nothing in this subsection shall be construed to~~
22 ~~allow local jurisdictions to exercise disciplinary authority~~
23 ~~over certified contractors.~~

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

26 (5)(8) The department may issue a stop-work order for
27 all unlicensed work on a project upon finding probable cause
28 to believe that electrical or alarm system work which requires
29 certification ~~or registration~~ is being performed without a
30 current, valid certificate ~~or registration~~. Stop-work orders

31

1 may be enforced using the procedure and remedies set forth in
2 s. 455.228.

3 Section 21. Section 489.533, Florida Statutes, is
4 amended to read:

5 489.533 Disciplinary proceedings.--

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

8 (a) Failure to comply with any provision of chapter
9 455.

10 (b) Attempting to procure a certificate ~~or~~
11 ~~registration~~ to practice electrical or alarm system
12 contracting by bribery or fraudulent or willful
13 misrepresentations.

14 (c) Having a certificate ~~or registration~~ to practice
15 contracting revoked, suspended, or otherwise acted against,
16 including the denial of licensure, by the licensing authority
17 of another state, territory, or country.

18 (d) Being convicted or found guilty of, or entering a
19 plea of nolo contendere to, regardless of adjudication, a
20 crime in any jurisdiction which directly relates to the
21 practice of electrical or alarm system contracting or the
22 ability to practice electrical or alarm system contracting.

23 (e) Making or filing a report or record which the
24 certificateholder ~~or registrant~~ knows to be false, willfully
25 failing to file a report or record required by state or
26 federal law, willfully impeding or obstructing such filing, or
27 inducing another person to impede or obstruct such filing.
28 Such reports or records shall include only those which are
29 signed in the capacity of a certified electrical or alarm
30 system contractor.

31

1 (f) Committing fraud or deceit, or negligence,
2 incompetency, or misconduct in the practice of electrical or
3 alarm system contracting.

4 (g) Violating chapter 633 or the rules of the State
5 Fire Marshal.

6 (h) Practicing on a revoked, suspended, inactive, or
7 delinquent certificate ~~or registration~~.

8 (i) Violating the applicable building codes or laws of
9 the state or any municipality or county thereof.

10 (j) Performing any act which assists a person or
11 entity in engaging in the prohibited uncertified ~~and~~
12 ~~unregistered~~ practice of contracting, if the certificateholder
13 ~~or registrant~~ knows or has reasonable grounds to know that the
14 person or entity was uncertified ~~and unregistered~~.

15 (k) Knowingly combining or conspiring with any person
16 by allowing one's certificate to be used by any uncertified
17 person with intent to evade the provisions of this part. When
18 a certificateholder allows his or her certificate to be used
19 by one or more companies without having any active
20 participation in the operations or management of said
21 companies, such act constitutes prima facie evidence of an
22 intent to evade the provisions of this part.

23 (l) Acting in the capacity of a contractor under any
24 certificate ~~or registration~~ issued hereunder except in the
25 name of the certificateholder ~~or registrant~~ as set forth on
26 the issued certificate ~~or registration~~ or in accordance with
27 the personnel of the certificateholder ~~or registrant~~ as set
28 forth in the application for the certificate ~~or registration~~
29 or as later changed as provided in this part.

30
31

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

4 1. A valid lien has been recorded against the property
5 of a contractor's customer for supplies or services ordered by
6 the contractor for the customer's job, the contractor has
7 received funds from the customer to pay for the supplies or
8 services, and the contractor has not had the lien removed from
9 the property, by payment or by bond, within 75 days after the
10 date of the lien;

11 2. A contractor has abandoned a customer's job and the
12 percentage of completion is less than the percentage of the
13 total contract price that had been paid to the contractor as
14 of the time of abandonment, unless the contractor is entitled
15 to retain the excess funds under the terms of the contract or
16 refunds the excess funds within 30 days after the date of
17 abandonment;

18 3. The contractor's job has been completed and it is
19 shown that the customer has had to pay more for the contracted
20 job than the original contract price, as adjusted for
21 subsequent change orders, unless such increase in cost was the
22 result of circumstances beyond the control of the contractor,
23 was the result of circumstances caused by the customer, or was
24 otherwise permitted by the terms of the contract between the
25 contractor and the customer; or

26 4. The contractor fails, within 18 months, to pay or
27 comply with a repayment schedule of a judgment obtained
28 against the contractor or a business qualified by the
29 contractor and relating to the practice of contracting.

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

1 (o) Failing in any material respect to comply with the
2 provisions of this part and the rules adopted pursuant
3 thereto.

4 (p) Abandoning a project which the contractor is
5 engaged in or is under contractual obligation to perform. A
6 project is to be considered abandoned after 90 days if the
7 contractor terminates the project without just cause or
8 without proper notification to the prospective owner,
9 including the reason for termination, or fails to perform work
10 without just cause for 90 consecutive days.

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

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

15 (s) Practicing beyond the scope of a certification ~~or~~
16 ~~registration~~.

17
18 For the purposes of this subsection, construction is
19 considered to be commenced when the contract is executed and
20 the contractor has accepted funds from the customer or lender.

21 (2) When the board finds any applicant, contractor, or
22 business organization for which the contractor is a primary
23 qualifying agent or secondary qualifying agent responsible
24 under s. 489.522 guilty of any of the grounds set forth in
25 subsection (1), it may enter an order imposing one or more of
26 the following penalties:

27 (a) Denial of an application for certification ~~or~~
28 ~~registration~~.

29 (b) Revocation or suspension of a certificate ~~or~~
30 ~~registration~~.

31

1 (c) Imposition of an administrative fine not to exceed
2 \$5,000 for each count or separate offense.

3 (d) Issuance of a reprimand.

4 (e) Placement of the contractor on probation for a
5 period of time and subject to such conditions as the board may
6 specify, including requiring the contractor to attend
7 continuing education courses or to work under the supervision
8 of another contractor.

9 (f) Restriction of the authorized scope of practice by
10 the contractor.

11 (g) Require financial restitution to a consumer.

12 (3) In recommending penalties in any proposed
13 recommended final order, the department shall follow the
14 penalty guidelines established by the board by rule. The
15 department shall advise the administrative law judge of the
16 appropriate penalty, including mitigating and aggravating
17 circumstances, and the specific rule citation.

18 (4) The board may not reinstate the certificate ~~or~~
19 ~~registration~~ of, or cause a certificate ~~or registration~~ to be
20 issued to, a person who the board has determined unqualified
21 until it is satisfied that such person has complied with all
22 the terms and conditions set forth in the final order and is
23 capable of competently engaging in the business of
24 contracting.

25 (5) When the board imposes administrative fines
26 pursuant to subsection (2) resulting from violation of chapter
27 633 or violation of the rules of the State Fire Marshal, 50
28 percent of the fine shall be paid into the Insurance
29 Commissioner's Regulatory Trust Fund to help defray the costs
30 of investigating the violations and obtaining the corrective
31 action. The State Fire Marshal may participate at its

1 discretion, but not as a party, in any proceedings before the
2 board relating to violation of chapter 633 or the rules of the
3 State Fire Marshal, in order to make recommendations as to the
4 appropriate penalty in such case. However, the State Fire
5 Marshal shall not have standing to bring disciplinary
6 proceedings regarding certification.

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

9 (7)(a) The department may, by rule, provide for a
10 mediation process for the complainant and the licensee.
11 Notwithstanding the provisions of chapters 120 and 455, upon
12 receipt of a legally sufficient consumer complaint alleging a
13 violation of this part, both the licensee and the complainant
14 may consent in writing to mediation within 15 days following
15 notification of this process by the department. The
16 department may suspend all action in the matter for 45 days
17 when notice of consent to mediation is received by the
18 department. If the mediation process is successfully concluded
19 within the 60-day period, the department may close the case
20 file with a notation of the disposition and the licensee's
21 record shall reflect only that a complaint was filed and
22 resolved through mediation. If mediation is rejected by
23 either the complainant or licensee, or should said parties
24 fail to reach a mediated solution within the 60-day period,
25 the department shall process the complaint in the manner
26 required by chapters 120 and 455. The mediator shall provide
27 a written report to the department of the mediation results
28 within 10 days of the conclusion of the mediation process as
29 provided by rule.

30 (b) No licensee may avail himself or herself of the
31 mediation process more than three times without the approval

1 of the board. The board may consider the subject and the
2 dates of the earlier complaints in rendering its decision. The
3 board's decision shall not be considered a final agency action
4 and is not appealable.

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

6 (d) Mediation shall be conducted according to rules of
7 practice and procedure for circuit court as adopted by the
8 Supreme Court. The mediator shall be a certified circuit
9 court mediator.

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

15 Section 22. Section 489.5335, Florida Statutes, is
16 amended to read:

17 489.5335 Journeyman; reciprocity; standards; statewide
18 journeyman competency card.--

19 (1) An individual who holds a valid, active journeyman
20 license in the electrical trade issued by any county or
21 municipality in this state may work as a journeyman in any
22 other county or municipality of this state without taking an
23 additional examination or paying an additional license fee, if
24 he or she:

25 (a) Has scored at least 70 percent, or after October
26 1, 1997, at least 75 percent, on a proctored journeyman Block
27 and Associates examination or other proctored examination
28 approved by the board for the electrical trade;

29 (b) Has completed an apprenticeship program registered
30 with the Department of Labor and Employment Security and
31 demonstrates 4 years' verifiable practical experience in the

1 electrical trade, or demonstrates 6 years' verifiable
2 practical experience in the electrical trade;

3 (c) Has satisfactorily completed specialized and
4 advanced module coursework approved by the Florida Building
5 Commission, as part of the Building Code Training Program
6 established in s. 553.841, specific to the discipline, and
7 successfully completed the program's core curriculum courses
8 or passed an equivalency test in lieu of taking the core
9 curriculum courses and provided proof of completion of such
10 curriculum courses or examination and obtained a certificate
11 from the board pursuant to this part or, pursuant to
12 authorization by the certifying authority, provides proof of
13 completion of such curriculum or coursework within 6 months
14 after such certification; and

15 (d) Has not had a license suspended or revoked within
16 the last 5 years.

17 (2) The department shall issue a statewide journeyman
18 competency card to each person applying for the card who has
19 submitted satisfactory evidence of having met the requirements
20 of subsection (1) and a fee of \$25. Each statewide journeyman
21 competency card shall include a picture of the person in whose
22 name it has been issued, and such person must sign the card to
23 validate it. Each person to whom a statewide journeyman
24 competency card has been issued must have the card in his or
25 her possession while engaged in electrical trade duties. Each
26 person to whom a statewide journeyman competency card has been
27 issued is responsible for its safekeeping and may neither loan
28 the card to any other person nor allow any other person to use
29 or display it. A statewide journeyman competency card may be
30 used throughout the state for the purposes of subsection (1)
31 and is valid unless and until revoked by the department for

1 violation of subsection (1) or any other applicable provision
2 of state or local law.

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

5 Section 23. Section 489.537, Florida Statutes, is
6 amended to read:

7 489.537 Application of this part.--

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

10 (2)(a) The scope of electrical contracting shall apply
11 to private and public property and shall include any
12 excavation, paving, and other related work incidental thereto
13 and shall include the work of all specialty electrical
14 contractors. However, such electrical contractor shall
15 subcontract the work of any other craft for which an
16 examination for a certificate of competency ~~or registration or~~
17 ~~a license~~ is required, unless such contractor is certified ~~or~~
18 ~~registered or holds a license for the respective trade~~
19 ~~category as required by the appropriate local authority.~~

20 (b) A local certified ~~registered~~ electrical contractor
21 may bid on electrical contracts which include alarm systems
22 contracting as a part of the contract, provided that the
23 individual shall subcontract such alarm systems contracting,
24 except raceway systems, to a properly certified ~~or registered~~
25 alarm system contractor. Local certified ~~Registered~~ electrical
26 contractors may install raceways for alarm systems. However,
27 if the local certified ~~registered~~ electrical contractor is
28 properly certified ~~or registered~~ as an alarm system
29 contractor, the individual is not required to subcontract out
30 the alarm system contracting.

31

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

3 (a) To regulate the quality and character of work
4 performed by contractors through a system of permits, fees,
5 and inspections which is designed to secure compliance with,
6 and aid in the implementation of, state and local building
7 laws or to enforce other local laws for the protection of the
8 public health and safety.

9 (b) Notwithstanding any other provision of law,to
10 collect fees for occupational licenses and inspections for
11 engaging in contracting or examination fees from persons who
12 are registered with the local boards pursuant to local
13 examination requirements.

14 (c) To adopt any system of permits requiring
15 submission to and approval by the municipality or county of
16 plans and specifications for work to be performed by
17 contractors before commencement of the work.

18 ~~(d) To require one bond for each electrical contractor~~
19 ~~in an amount not to exceed \$5,000, which bond shall be~~
20 ~~conditioned only upon compliance with the Florida Building~~
21 ~~Code adopted pursuant to s. 553.73. Any such bond must be~~
22 ~~equally available to all electrical contractors without regard~~
23 ~~to the period of time an electrical contractor has been~~
24 ~~certified or registered and without regard to any financial~~
25 ~~responsibility requirements. Any such bonds shall be payable~~
26 ~~to the Governor and filed in each county or municipality in~~
27 ~~which a building permit is requested. Bond reciprocity shall~~
28 ~~be granted statewide. All such bonds shall be included in~~
29 ~~meeting any financial responsibility requirements imposed by~~
30 ~~any statute or rule.~~

31

1 (d)~~(e)~~1. To refuse to issue permits or issue permits
2 with specific conditions to a contractor who has committed
3 multiple violations, when he or she has been disciplined for
4 each of them by the board and when each disciplinary action
5 has involved revocation or suspension of a license, imposition
6 of an administrative fine of at least \$1,000, or probation.

7 2. To issue permits with specific conditions to a
8 contractor who, within the previous 12 months, has had final
9 action taken against him or her, by the department or by a
10 local board or agency that issues permits to ~~which licenses~~
11 contractors and has reported the action pursuant to subsection
12 ~~paragraph~~ (5)~~(c)~~, for engaging in the business or acting in
13 the capacity of a contractor without a license.

14 (4) Any official authorized to issue building or other
15 related permits shall ascertain that the applicant contractor
16 is certified ~~or registered~~ and duly qualified according to any
17 local requirements in the area where the construction is to
18 take place before issuing the permit. The evidence shall
19 consist only of the exhibition to him or her of current
20 evidence of proper certification ~~or registration~~ and local
21 qualification.

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

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

27 ~~(c)~~ Each local board or agency that issues permits to
28 ~~which licenses~~ contractors shall transmit monthly to the board
29 a report of any disciplinary action taken against contractors
30 and any administrative or disciplinary action taken against
31 unlicensed persons for engaging in the business or acting in

1 the capacity of a contractor, including any cease and desist
2 order issued pursuant to s. 489.516(2)(b).

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

5 (6)(7) The scope of work of a certified unlimited
6 electrical contractor includes the work of a certified alarm
7 system contractor as provided in this part.

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

10 (8)(9) A local certified ~~registered~~ electrical
11 contractor, an alarm system contractor II certificateholder,
12 and a local certified ~~registered~~ alarm system contractor II
13 shall be allowed to install residential smoke detectors or
14 residential heat detectors.

15 Section 24. Effective January 1, 2003, subsection (3)
16 of section 489.537, Florida Statutes, as amended by chapter
17 2001-186, Laws of Florida, and this act, is amended to read:

18 489.537 Application of this part.--

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

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

27 (b) Notwithstanding any other provision of law, to
28 collect fees for occupational licenses and inspections for
29 engaging in contracting or examination fees from persons who
30 are registered with the local boards pursuant to local
31 examination requirements.

1 (c) To adopt any system of permits requiring
2 submission to and approval by the municipality or county of
3 plans and specifications for work to be performed by
4 contractors before commencement of the work.

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

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

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

31

1 ~~(e)(f)~~ To require that one electrical journeyman, who
2 is a graduate of the Institute of Applied Technology in
3 Construction Excellence or licensed pursuant to s. 489.5335,
4 be present on an industrial or commercial new construction
5 site with a facility of 50,000 gross square feet or more when
6 electrical work in excess of 77 volts is being performed in
7 order to supervise or perform such work, except as provided in
8 s. 489.503.

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

11 205.194 Prohibition of local occupational licensure
12 without exhibition of state license or registration.--

13 (3) This section shall not apply to s. 489.113, s.
14 489.117, s. 489.119, or s. 489.131, ~~s. 489.511, s. 489.513, s.~~
15 ~~489.521, or s. 489.537.~~

16 Section 26. Section 489.5391, Florida Statutes, is
17 created to read:

18 489.5391 Unlicensed contracting; fine; authority to
19 issue or receive a building permit; web page.--

20 (1) Any person performing an activity requiring
21 licensure under this part in any of the categories listed in
22 s. 489.505 is guilty of unlicensed contracting if he or she
23 does not hold a valid active license authorizing him or her to
24 perform such activity, regardless of whether he or she holds a
25 local contractor license or local certificate of competency.
26 Persons working outside the geographical scope of their local
27 certification are guilty of unlicensed activity for purposes
28 of this part.

29 (2) Notwithstanding s. 455.228, the department may
30 impose an administrative fine of up to \$10,000 on any
31 unlicensed person guilty of unlicensed contracting. In

1 addition, the department may assess reasonable investigative
2 and legal costs for prosecution of the violation against the
3 unlicensed contractor. The department may waive up to one-half
4 of any fine imposed if the unlicensed contractor complies with
5 licensure within 1 year after imposition of the fine under
6 this subsection.

7 (3)(a) Any fines collected under this section shall be
8 first used to cover the investigative and legal costs of
9 prosecution.

10 (b) Any local governing body that forwards information
11 relating to any person who is an unlicensed contractor shall
12 collect 30 percent of the fine collected, after deduction of
13 the investigative and legal costs of prosecution.

14 (c) The balance of any fines collected under this
15 section shall be used to maintain the department's unlicensed
16 contractor website page, as specified in subsection (5).

17 (4) A local building department shall not issue a
18 building permit to any contractor, or to any person
19 representing himself or herself as a contractor, who does not
20 hold a valid active license in the appropriate category.
21 Possession of a local certificate of competency or local
22 construction license is not sufficient to lawfully obtain a
23 building permit as a construction contractor if the activity
24 in question requires licensure under this part. Nothing in
25 this section shall be construed as prohibiting a local
26 building department from issuing a building permit to a
27 locally licensed or certified contractor for an activity that
28 does not require licensure under this part.

29 (5) The department shall create a web page, accessible
30 through its Internet website, dedicated solely to listing any
31 known information concerning unlicensed contractors. The

1 information shall be provided in such a way that any person
2 with computer on-line capabilities can access information
3 concerning unlicensed contractors by name or by county. The
4 department shall recognize that persons found guilty of
5 unlicensed contracting do not have the same rights and
6 privileges as licensees, and the department shall not restrict
7 the quality or quantity of information on the web page
8 required by this subsection, unless otherwise required by law.

9 (6) The remedies set forth in this section are not
10 exclusive and may be imposed in addition to the remedies set
11 forth in s. 489.531(3). In addition, nothing in this section
12 is intended to prohibit the department or any local governing
13 body from filing a civil action or seeking criminal penalties
14 against an unlicensed contractor.

15 Section 27. Except as otherwise provided in this act,
16 this act shall take effect October 1, 2002.

17
18 *****

19 LEGISLATIVE SUMMARY

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21 Provides for statewide regulation of electrical and alarm
22 system contractors by eliminating the local licensure
23 category of registration and replacing it with the
24 licensure category of local certification. Extends
25 certification grandfathering provisions to local
26 certificateholders. Expands the membership of the
27 Electrical Contractors' Licensing Board to include local
28 certified contractors. Provides penalties for unlicensed
29 contracting and establishes criteria for the Department
30 of Business and Professional Regulation to develop a web
31 page designed to exchange information on unlicensed
contractors. (See bill for details.)