

CHAMBER ACTION

1 The Business Regulation Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to electrical and alarm system
7 contracting; amending s. 489.503, F.S.; revising
8 exemptions from regulation of electrical and alarm system
9 contracting; amending s. 489.505, F.S.; revising
10 definitions; amending s. 489.513, F.S.; providing
11 additional requirements for registration as a contractor;
12 amending s. 489.529, F.S.; requiring central monitoring
13 stations to employ enhanced call verification methods
14 under certain circumstances; amending s. 489.530, F.S.;
15 exempting fire alarm systems from certain audible alarm
16 requirements; amending s. 489.537, F.S.; providing a
17 limitation on additional alarm system contractor or
18 electrical contractor certification or licensure
19 requirements; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

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23 Section 1. Paragraph (b) of subsection (14) and paragraph
24 (d) of subsection (15) of section 489.503, Florida Statutes, are
25 amended to read:

26 489.503 Exemptions.--This part does not apply to:

27 (14)

28 (b) The installation of, repair of, alteration of,
29 addition to, or design of electrical wiring, fixtures,
30 appliances, thermostats, apparatus, raceways, and conduit, or
31 any part thereof, when those items are for the purpose of
32 transmitting data, voice communications, or commands as part of
33 a system of telecommunications, including computers, telephone
34 customer premises equipment, or premises wiring. The scope of
35 this exemption is limited to electrical circuits and equipment
36 governed by the applicable provisions of Articles 725 (Classes 2
37 and 3 circuits only), 770, 800, 810, and 820 of the National
38 Electrical Code, current edition, or 47 C.F.R. part 68. A
39 company certified under chapter 364 is not subject to any local
40 ordinance that requires a permit for work performed by its
41 employees related to low voltage electrical work, including
42 related technical codes and regulations. The exemption in this
43 paragraph shall apply only if such work is requested by the
44 company's customer, is required in order to complete phone
45 service, is incidental to provision of telecommunication service
46 as required by chapter 364, and is not the subject of a
47 competitive bid. The definition of "employee" established in
48 subsection (1) applies to this exemption and does not include
49 subcontractors. Persons who perform work in accordance with the
50 applicable provisions of Articles 725 (Classes 2 and 3 circuits

51 only), 770, 800, 810, and 820 of the National Electrical Code,
 52 current edition, or 47 C.F.R. part 68 who are not employees of a
 53 company certified under chapter 364 must be certified pursuant
 54 to s. 489.511.

55 (15) The provision, installation, testing, routine
 56 maintenance, factory-servicing, or monitoring of a personal
 57 emergency response system, as defined in s. 489.505, by an
 58 authorized person who:

59 (d) Is an employee of ~~or an authorized representative or~~
 60 ~~distributor for~~ the producer or manufacturer of the personal
 61 emergency response system being monitored.

62 Section 2. Subsections (2), (7), (25), (27), and (28) of
 63 section 489.505, Florida Statutes, are amended to read:

64 489.505 Definitions.--As used in this part:

65 (2) "Alarm system contractor" means a person whose
 66 business includes the execution of contracts requiring the
 67 ability, experience, science, knowledge, and skill to lay out,
 68 fabricate, install, maintain, alter, repair, monitor, inspect,
 69 replace, or service alarm systems for compensation, including,
 70 but not limited to, all types of alarm systems for all purposes.
 71 This term also means any person, firm, or corporation that
 72 engages in the business of alarm system contracting under an
 73 expressed or implied contract; that undertakes, offers to
 74 undertake, purports to have the capacity to undertake, or
 75 submits a bid to engage in the business of alarm system
 76 contracting; or that does itself or by or through others engage
 77 in the business of alarm system contracting.

78 (a) "Alarm system contractor I" means an alarm system
79 contractor whose business includes all types of alarm systems
80 for all purposes.

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

84 (7) "Certified alarm system contractor" means an alarm
85 system contractor who possesses a certificate of competency
86 issued by the department. The scope of certification is limited
87 to alarm circuits originating in the alarm control panel and
88 equipment governed by the applicable provisions of Articles 725,
89 760, 770, 800, and 810 of the National Electrical Code, Current
90 Edition, and National Fire Protection Association Standard 72,
91 Current Edition. The scope of certification for alarm system
92 contractors also includes the installation, repair, fabrication,
93 erection, alteration, addition, inspection, monitoring, or
94 design of electrical wiring, fixtures, appliances, thermostats,
95 apparatus, raceways, and conduit, or any part thereof not to
96 exceed 98 volts (RMS) ~~77 volts~~, when those items are for the
97 purpose of transmitting data or proprietary video (satellite
98 systems that are not part of a community antenna television or
99 radio distribution system) or providing central vacuum
100 capability or electric locks; ~~however, this provision governing~~
101 ~~the scope of certification does not create any mandatory~~
102 ~~licensure requirement.~~

103 (25) "Burglar alarm system agent" means a person:

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

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

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

113 (27) "Monitoring" means to receive electrical or
 114 electronic signals, originating from any structure building
 115 within or outside of the state, regardless of whether those
 116 signals are relayed through a jurisdiction outside of the state,
 117 where such signals are produced by any security, medical, fire,
 118 or burglar alarm, closed circuit television camera, access
 119 control system, or related or similar protective system and are
 120 intended by design to initiate a response thereto. A person
 121 shall not have committed the act of monitoring if:

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

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

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

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

131 (28) "Fire alarm system agent" means a person:

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

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

137 (c) Whose specific duties include any of the following:
138 altering, installing, maintaining, moving, repairing, replacing,
139 servicing, selling ~~onsite~~, or monitoring a fire alarm system for
140 compensation.

141 Section 3. Subsection (1) of section 489.513, Florida
142 Statutes, is amended to read:

143 489.513 Registration; application; requirements.--

144 (1) Any person engaged in the business of contracting in
145 the state shall be registered in the proper classification,
146 unless he or she is certified. Any person desiring to be a
147 registered contractor shall apply to the department for
148 registration, and:

149 (a) Be at least 18 years old.

150 (b) Be of good moral character.

151 1. "Good moral character" means a personal history of
152 honesty, fairness, and respect for the rights of others and for
153 the laws of this state and nation.

154 2. The board may determine that a person applying for
155 registration is ineligible for failure to satisfy the
156 requirement of good moral character only if:

157 a. There is a substantial connection between the lack of
158 good moral character of the individual and the professional
159 responsibilities of a registered contractor.

160 b. The finding by the board of lack of good moral
161 character is supported by clear and convincing evidence.

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162 3. When a person is found to be unqualified because of a
163 lack of good moral character, the board shall furnish the person
164 a statement containing the findings of the board, a complete
165 record of evidence upon which the determination was based, and a
166 notice of the rights of the person to a rehearing and appeal.

167 Section 4. Section 489.529, Florida Statutes, is amended
168 to read:

169 489.529 Alarm verification calls required.--All
170 residential or commercial intrusion/burglary alarms that have
171 central monitoring must have a central monitoring verification
172 call made to the premises generating the alarm signal, prior to
173 alarm monitor personnel contacting a law enforcement agency for
174 alarm dispatch. The central monitoring station must employ
175 enhanced call verification methods for the premises generating
176 the alarm signal if the first call is not answered. However, if
177 the intrusion/burglary alarms have properly operating visual or
178 auditory sensors that enable the monitoring personnel to verify
179 the alarm signal, verification calling is not required.

180 Section 5. Section 489.530, Florida Statutes, is amended
181 to read:

182 489.530 Audible alarms.--Every audible alarm system
183 installed by a licensed contractor shall have a device to
184 automatically terminate the audible signal within 15 minutes of
185 activation. Fire alarms systems, whether installed voluntarily
186 or as a requirement of an adopted code employing audible fire
187 signals, shall be exempted as required by such code.

188 Section 6. Paragraph (a) of subsection (3) of section
189 489.537, Florida Statutes, is amended to read:

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190 489.537 Application of this part.--

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

193 (a) To regulate the quality and character of work
194 performed by contractors through a system of permits, fees, and
195 inspections which is designed to secure compliance with, and aid
196 in the implementation of, state and local building laws or to
197 enforce other local laws for the protection of the public health
198 and safety. However, no certified alarm system contractor or
199 certified electrical contractor shall be subject to any
200 additional certification or licensure requirements not required
201 by this part.

202 Section 7. This act shall take effect July 1, 2005.