

By Senator Bennett

21-770-05

1   A bill to be entitled

2           An act relating to electrical and alarm system

3           contracting; amending s. 489.503, F.S.;

4           requiring certain contractors to be certified

5           pursuant to part II of ch. 489, F.S.; providing

6           that an employee of the producer or

7           manufacturer of a personal emergency response

8           system is exempt from part II of ch. 489, F.S.;

9           amending s. 489.505, F.S.; revising

10          definitions; amending s. 489.513, F.S.;

11          providing eligibility requirements for

12          registering with the Department of Business and

13          Professional Regulation as an electrical

14          contractor or alarm system contractor; amending

15          s. 489.529, F.S.; requiring a central

16          monitoring station to employ call-verification

17          methods under certain circumstances; amending

18          s. 489.530, F.S.; exempting a fire alarm system

19          from the requirement that it have a device that

20          automatically terminates its audible signal

21          after a certain period; amending s. 489.537,

22          F.S.; providing that certain alarm system

23          contractors and electrical contractors may not

24          be required by a municipality or county to

25          obtain additional certification or meet

26          additional licensure requirements; providing an

27          effective date.

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

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1           Section 1. Sections (14) and (15) of section 489.503,  
2 Florida Statutes, are amended to read:

3           489.503 Exemptions.--This part does not apply to:

4           (14)(a) The installation of, repair of, alteration of,  
5 addition to, or design of electrical wiring, fixtures,  
6 appliances, thermostats, apparatus, raceways, and conduit, or  
7 any part thereof, when those items are for the purpose of  
8 transmitting data, voice communications, or commands as part  
9 of a cable television, community antenna television, or radio  
10 distribution system. The scope of this exemption is limited to  
11 electrical circuits and equipment governed by the applicable  
12 provisions of Articles 725 (Classes 2 and 3 circuits only),  
13 770, 800, 810, and 820 of the National Electrical Code,  
14 current edition, or 47 C.F.R. part 68.

15           (b) The installation of, repair of, alteration of,  
16 addition to, or design of electrical wiring, fixtures,  
17 appliances, thermostats, apparatus, raceways, and conduit, or  
18 any part thereof, when those items are for the purpose of  
19 transmitting data, voice communications, or commands as part  
20 of a system of telecommunications, including computers,  
21 telephone customer premises equipment, or premises wiring. The  
22 scope of this exemption is limited to electrical circuits and  
23 equipment governed by the applicable provisions of Articles  
24 725 (Classes 2 and 3 circuits only), 770, 800, 810, and 820 of  
25 the National Electrical Code, current edition, or 47 C.F.R.  
26 part 68. A company certified under chapter 364 is not  
27 subject to any local ordinance that requires a permit for work  
28 performed by its employees related to low voltage electrical  
29 work, including related technical codes and regulations. The  
30 exemption in this paragraph shall apply only if such work is  
31 requested by the company's customer, is required in order to

1 complete phone service, is incidental to provision of  
2 telecommunication service as required by chapter 364, and is  
3 not the subject of a competitive bid. The definition of  
4 "employee" established in subsection (1) applies to this  
5 exemption and does not include subcontractors. Contractors  
6 performing work in accordance with the applicable provisions  
7 of Articles 725 (Classes 2 and 3 circuits only), 770, 800,  
8 810, and 820 of the National Electrical Code, current edition,  
9 or 47 C.F.R. part 68 who are not certified under chapter 364  
10 must be certified pursuant to this part.

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

15 (a) Is an employee of, or a volunteer supervised by an  
16 employee of, a health care facility licensed by the Agency for  
17 Health Care Administration;

18 (b) Performs services for the Department of Elderly  
19 Affairs;

20 (c) Performs services for the Department of Children  
21 and Family Services under chapter 410; or

22 (d) Is an employee of ~~or an authorized representative~~  
23 ~~or distributor for~~ the producer or manufacturer of the  
24 personal emergency response system being monitored.

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

27 489.505 Definitions.--As used in this part:

28 (2) "Alarm system contractor" means a person whose  
29 business includes the execution of contracts requiring the  
30 ability, experience, science, knowledge, and skill to lay out,  
31 fabricate, install, maintain, alter, repair, monitor, inspect,

1 | replace, or service alarm systems for compensation, including,  
2 | but not limited to, all types of alarm systems for all  
3 | purposes. This term also means any person, firm, or  
4 | corporation that engages in the business of alarm contracting  
5 | under an expressed or implied contract; that undertakes,  
6 | offers to undertake, purports to have the capacity to  
7 | undertake, or submits a bid to engage in the business of alarm  
8 | contracting; or that does itself or by or through others  
9 | engage in the business of alarm contracting.

10 |         (a) "Alarm system contractor I" means an alarm system  
11 | contractor whose business includes all types of alarm systems  
12 | for all purposes.

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

16 |         (7) "Certified alarm system contractor" means an alarm  
17 | system contractor who possesses a certificate of competency  
18 | issued by the department. The scope of certification is  
19 | limited to alarm circuits originating in the alarm control  
20 | panel and equipment governed by the applicable provisions of  
21 | Articles 725, 760, 770, 800, and 810 of the National  
22 | Electrical Code, Current Edition, and National Fire Protection  
23 | Association Standard 72, Current Edition. The scope of  
24 | certification for alarm system contractors also includes the  
25 | installation, repair, fabrication, erection, alteration,  
26 | addition, inspection, monitoring, or design of electrical  
27 | wiring, fixtures, appliances, thermostats, apparatus,  
28 | raceways, and conduit, or any part thereof not to exceed 98  
29 | volts (RMS) ~~77 volts~~, when those items are for the purpose of  
30 | transmitting data or proprietary video (satellite systems that  
31 | are not part of a community antenna television or radio

1 distribution system) or providing central vacuum capability or  
2 electric locks; ~~however, this provision governing the scope of~~  
3 ~~certification does not create any mandatory licensure~~  
4 ~~requirement.~~

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

6 (a) Who is employed by a licensed alarm system  
7 contractor or licensed electrical contractor;

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

11 (c) Whose specific duties include any of the  
12 following: altering, installing, maintaining, moving,  
13 repairing, replacing, servicing, inspecting, selling ~~onsite~~,  
14 or monitoring an intrusion or burglar alarm system for  
15 compensation.

16 (27) "Monitoring" means to receive electrical or  
17 electronic signals, ~~originating from any structure building~~  
18 within the state or outside the state, regardless of whether  
19 those signals are relayed through a jurisdiction outside the  
20 state, where such signals are, produced by any security,  
21 medical, fire, or burglar alarm, closed circuit television  
22 camera, access-control system, or related or similar  
23 protective system and are intended by design to initiate a  
24 response thereto. A person shall not have committed the act  
25 of monitoring if:

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

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

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

1 (d) The person is not employed in a proprietary  
2 monitoring facility, as defined by the National Fire  
3 Protection Association pursuant to rule adopted under chapter  
4 633.

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

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

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

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

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

17 489.513 Registration; application; requirements.--

18 (1) Any person engaged in the business of contracting  
19 in the state shall be registered in the proper classification,  
20 unless he or she is certified. Any person desiring to be a  
21 registered contractor shall apply to the department for  
22 registration and must:-

23 (a) Be at least 18 years old;

24 (b) Be of good moral character; and

25 (c) Meet eligibility requirements according to the  
26 following criteria:

27 1. As used in this subsection, the term "good moral  
28 character" means a personal history of honesty, fairness, and  
29 respect for the rights of others and for state and federal  
30 law.

1           2. The board may determine that an individual applying  
2 for registration is ineligible due to failure to satisfy the  
3 requirement of good moral character only if:

4           a. There is a substantial connection between the lack  
5 of good moral character of the individual and the professional  
6 responsibilities of a registered contractor; and

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

9           3. When an individual is found to be unqualified  
10 because of lack of good moral character, the board must  
11 furnish such individual a statement containing the findings of  
12 the board, a complete record of evidence upon which the  
13 determination was based, and a notice of the rights of the  
14 individual to a rehearing and an appeal.

15           Section 4. Section 489.529, Florida Statutes, is  
16 amended to read:

17           489.529 Alarm verification calls required.--All  
18 residential or commercial intrusion/burglary alarms that have  
19 central monitoring must have a central monitoring verification  
20 call made to the premises generating the alarm signal, prior  
21 to alarm monitor personnel contacting a law enforcement agency  
22 for alarm dispatch. The central monitoring station must employ  
23 call-verification methods for the premises generating the  
24 alarm signal if the first call is not answered. However, if  
25 the intrusion/burglary alarms have properly operating visual  
26 or auditory sensors that enable the monitoring personnel to  
27 verify the alarm signal, verification calling is not required.

28           Section 5. Section 489.530, Florida Statutes, is  
29 amended to read:

30           489.530 Audible alarms.--Every audible alarm system  
31 installed by a licensed contractor shall have a device to

1 automatically terminate the audible signal within 15 minutes  
2 of activation. A fire alarm system, whether installed  
3 voluntarily or as a requirement of an adopted code, which  
4 employs an audible fire signal, is exempt as required by such  
5 code.

6 Section 6. Paragraph (a) of subsection (3) of section  
7 489.537, Florida Statutes, is amended to read:

8 489.537 Application of this part.--

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

11 (a) To regulate the quality and character of work  
12 performed by contractors through a system of permits, fees,  
13 and inspections which is designed to secure compliance with,  
14 and aid in the implementation of, state and local building  
15 laws or to enforce other local laws for the protection of the  
16 public health and safety. However, a certified alarm system  
17 contractor or certified electrical contractor is not subject  
18 to any additional certification or licensure requirements that  
19 are not required by this part.

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

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23 SENATE SUMMARY

24 Requires certain contractors to be certified. Provides  
25 that an employee of a producer or manufacturer of a  
26 personal emergency response system is exempt from  
27 certification requirements. Provides eligibility  
28 requirements for registering with the Department of  
29 Business and Professional Regulation as an electrical  
30 contractor or alarm system contractor. Requires a central  
31 monitoring station to employ call-verification methods  
under certain circumstances. Exempts a fire alarm system  
from the requirement that it have a device that  
automatically terminates its audible alarm signal after a  
certain amount of time. Provides that certain alarm  
system contractors and electrical contractors are not  
subject to additional local licensure requirements.