

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

.

1 Representative(s) Reagan offered the following:

2
3 **Amendment (with title amendment)**

4 Remove line(s) 56-98 and insert:

5 Section 2. Subsections (21) and (22) are added to section
6 489.503, Florida Statutes, to read:

7 489.503 Exemptions.--This part does not apply to:

8 (21) Alarm system inspections, audits, or quality
9 assurance services performed by a nationally recognized testing
10 laboratory that the Occupational Safety and Health
11 Administration has recognized as meeting the requirements of 29
12 C.F.R. s. 1910.7.

13 (22) Any person who installs or repairs lightning rods or
14 related systems.

15 Section 3. Subsections (2), (7), (25), (27), and (28) of
16 section 489.505, Florida Statutes, are amended, and subsection
17 (29) is added to that section, to read:

017503

4/26/2006 2:00:23 PM

Amendment No. (for drafter's use only)

18 489.505 Definitions.--As used in this part:

19 (2) "Alarm system contractor" means a person whose
20 business includes the execution of contracts requiring the
21 ability, experience, science, knowledge, and skill to lay out,
22 fabricate, install, maintain, alter, repair, monitor, inspect,
23 replace, or service alarm systems for compensation, including,
24 but not limited to, all types of alarm systems for all purposes.
25 This term also means any person, firm, or corporation that
26 engages in the business of alarm contracting under an expressed
27 or implied contract; that undertakes, offers to undertake,
28 purports to have the capacity to undertake, or submits a bid to
29 engage in the business of alarm contracting; or that by itself
30 or by or through others engages in the business of alarm
31 contracting.

32 (a) "Alarm system contractor I" means an alarm system
33 contractor whose business includes all types of alarm systems
34 for all purposes.

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

38 (7) "Certified alarm system contractor" means an alarm
39 system contractor who possesses a certificate of competency
40 issued by the department. The scope of certification is limited
41 to alarm circuits originating in the alarm control panel and
42 equipment governed by the applicable provisions of Articles 725,
43 760, 770, 800, and 810 of the National Electrical Code, Current
44 Edition, and National Fire Protection Association Standard 72,
45 Current Edition. The scope of certification for alarm system
46 contractors also includes the installation, repair, fabrication,

017503
4/26/2006 2:00:23 PM

Amendment No. (for drafter's use only)

47 erection, alteration, addition, or design of electrical wiring,
48 fixtures, appliances, thermostats, apparatus, raceways, and
49 conduit, or any part thereof not to exceed 98 77 volts (RMS),
50 when those items are for the purpose of transmitting data or
51 proprietary video (satellite systems that are not part of a
52 community antenna television or radio distribution system) or
53 providing central vacuum capability or electric locks; however,
54 this provision governing the scope of certification does not
55 create any mandatory licensure requirement.

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

57 (a) Who is employed by a licensed alarm system contractor
58 or licensed electrical contractor;

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

62 (c) Whose specific duties include any of the following:
63 altering, installing, maintaining, moving, repairing, replacing,
64 servicing, selling ~~onsite~~, or monitoring an intrusion or burglar
65 alarm system for compensation.

66 (27) "Monitoring" means to receive electrical or
67 electronic signals, ~~originating from any structure building~~
68 within the state or outside the state, regardless of whether
69 those signals are relayed through a jurisdiction outside the
70 state, where such signals are produced by any security, medical,
71 fire, or burglar alarm, closed circuit television camera, or
72 related or similar protective system and are intended by design
73 to initiate a response thereto. A person shall not have
74 committed the act of monitoring if:

017503

4/26/2006 2:00:23 PM

Amendment No. (for drafter's use only)

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

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

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

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

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

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

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

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

94 (29) "Nationally recognized testing laboratory" means an
95 organization that the Occupational Safety and Health
96 Administration has legally recognized to be in compliance with
97 29 C.F.R. s. 1910.7 and that provides quality assurance, product
98 testing, or certification services.

99 Section 4. Subsection (1) of section 489.513, Florida
100 Statutes, is amended to read:

101 489.513 Registration; application; requirements.--

102 (1) Any person engaged in the business of contracting in
103 the state shall be registered in the proper classification,
017503

4/26/2006 2:00:23 PM

Amendment No. (for drafter's use only)

104 unless he or she is certified. Any person desiring to be a
105 registered contractor shall apply to the department for
106 registration and must:

107 (a) Be at least 18 years old;

108 (b) Be of good moral character; and

109 (c) Meet eligibility requirements according to the
110 following criteria:

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

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

117 a. There is a substantial connection between the lack of
118 good moral character of the individual and the professional
119 responsibilities of a registered contractor; and

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

122 3. When an individual is found to be unqualified because
123 of lack of good moral character, the board must furnish such
124 individual a statement containing the findings of the board, a
125 complete record of evidence upon which the determination was
126 based, and a notice of the rights of the individual to a
127 rehearing and an appeal.

128 Section 5. Subsection (5) is added to section 489.516,
129 Florida Statutes, to read:

130 489.516 Qualifications to practice; restrictions;
131 prerequisites.--

017503

4/26/2006 2:00:23 PM

Amendment No. (for drafter's use only)

132 (5) Notwithstanding any other provision to the contrary, a
133 certified electrical contractor, registered alarm system
134 contractor I, registered alarm system contractor II, or alarm
135 system contractor I or alarm system contractor II that is a
136 certified alarm system contractor is exempt from any local law,
137 local ordinance, or local code that requires a contractor to be
138 listed or placarded by a nationally recognized testing
139 laboratory or to be certified by any regionally or nationally
140 recognized certification organization. However, a county,
141 municipality, or special district may require any such
142 electrical contractor or alarm system contractor to provide, at
143 the final inspection of a fire alarm system, the documentation
144 required by NFPA No. 72, "National Fire Alarm Code," for
145 installation and monitoring. This subsection does not prohibit a
146 county, municipality, or special district from requiring
147 compliance with the Florida Fire Prevention Code or with NFPA
148 No. 72.

149 Section 6. Section 489.529, Florida Statutes, is amended
150 to read:

151 489.529 Alarm verification calls required.--All
152 residential or commercial intrusion/burglary alarms that have
153 central monitoring must have a central monitoring verification
154 call made to the premises generating the alarm signal, prior to
155 alarm monitor personnel contacting a law enforcement agency for
156 alarm dispatch. The central monitoring station must employ call-
157 verification methods for the premises generating the alarm
158 signal if the first call is not answered. However, if the
159 intrusion/burglary alarms have properly operating visual or

017503

4/26/2006 2:00:23 PM

Amendment No. (for drafter's use only)

160 auditory sensors that enable the monitoring personnel to verify
161 the alarm signal, verification calling is not required.

162 Section 7. Section 489.530, Florida Statutes, is amended
163 to read:

164 489.530 Audible alarms.--Every audible alarm system
165 installed by a licensed contractor shall have a device to
166 automatically terminate the audible signal within 15 minutes of
167 activation. A fire alarm system, whether installed voluntarily
168 or as a requirement of an adopted code, which employs an audible
169 fire signal is exempt as required by such code.

170 Section 8. Paragraph (a) of subsection (1) of section
171 489.532, Florida Statutes, is amended to read:

172 489.532 Contracts entered into by unlicensed contractors
173 unenforceable.--

174 (1) As a matter of public policy, contracts entered into
175 on or after October 1, 1990, by an unlicensed contractor shall
176 be unenforceable in law or in equity by the unlicensed
177 contractor.

178 (a) For purposes of this section, an individual is
179 unlicensed if the individual does not have a license required by
180 this part concerning the scope of the work to be performed under
181 the contract. A business organization is unlicensed if the
182 business organization does not have a primary or secondary
183 qualifying agent in accordance with this part concerning the
184 scope of the work to be performed under the contract. For
185 purposes of this section, if no state or local license is
186 required for the scope of work to be performed under the
187 contract, the individual performing that work shall not be
188 considered unlicensed.

017503

4/26/2006 2:00:23 PM

Amendment No. (for drafter's use only)

189 Section 9. Sections 1 and 8 are intended to be remedial in
190 nature and to clarify existing law. Sections 1 and 8 shall apply
191 retroactively to all actions, including any action on a lien or
192 bond claim, initiated on or after, or pending as of, July 1,
193 2006. If the retroactivity of any provision of section 1 or
194 section 8 or its retroactive application to any person or
195 circumstance is held invalid, the invalidity does not affect the
196 retroactivity or retroactive application of other provisions of
197 sections 1 and 8.

198

199 ===== T I T L E A M E N D M E N T =====

200 Remove line(s) 6-16 and insert:

201

202 An act relating to contracting; amending ss. 489.128 and
203 489.532, F.S.; providing that individuals performing certain
204 construction contracting or electrical and alarm system
205 contracting work are not considered unlicensed for purposes of
206 contract enforceability; providing for retroactive application;
207 amending s. 489.503, F.S.; exempting nationally recognized
208 testing laboratories and persons who install or repair lightning
209 rods from certain alarm system contracting provisions; amending
210 s. 489.505, F.S.; revising definitions; defining the term
211 "nationally recognized testing laboratory"; amending s. 489.513,
212 F.S.; providing eligibility requirements for registering with
213 the Department of Business and Professional Regulation as an
214 electrical contractor or alarm system contractor; amending s.
215 489.516, F.S.; exempting certain electrical and alarm system
216 contractors from ordinances or codes of local governments or
217 special districts requiring various types of recognition by
017503

4/26/2006 2:00:23 PM

Amendment No. (for drafter's use only)

218 certain national entities; authorizing local governments or
219 special districts to require such contractors to provide certain
220 documentation at the final inspection of an alarm system;
221 reserving the authority of local governments and special
222 districts to require compliance with the Florida Fire Prevention
223 Code and NFPA No. 72; amending s. 489.529, F.S.; requiring a
224 central monitoring station to employ call-verification methods
225 under certain circumstances; amending s. 489.530, F.S.;
226 exempting a fire alarm system from the requirement that it have
227 a device that automatically terminates its audible signal after
228 a certain period;