

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Reagan offered the following:

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

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsection (5) is added to section 489.516,
6 Florida Statutes, to read:

7 489.516 Qualifications to practice; restrictions;
8 prerequisites.--

9 (5) Notwithstanding any other provision to the contrary, a
10 certified electrical contractor, registered alarm system
11 contractor I, registered alarm system contractor II, or alarm
12 system contractor I or alarm system contractor II that is a
13 certified alarm system contractor is exempt from any local law,
14 local ordinance, or local code that requires a contractor to be
15 listed or placarded by a nationally recognized testing
16 laboratory or to be certified by any regionally or nationally
17 recognized certification organization. However, a county,

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18 municipality, or special district may require any such
19 electrical contractor or alarm system contractor to provide, at
20 the final inspection of a fire alarm system, the documentation
21 required by NFPA No. 72, "National Fire Alarm Code," for
22 installation and monitoring. This subsection does not prohibit a
23 county, municipality, or special district from requiring
24 compliance with the Florida Fire Prevention Code or with NFPA
25 No. 72.

26 Section 2. Paragraphs (a) and (b) of subsection (1) of
27 section 489.128, Florida Statutes, are amended to read:

28 489.128 Contracts entered into by unlicensed contractors
29 unenforceable.--

30 (1) As a matter of public policy, contracts entered into
31 on or after October 1, 1990, by an unlicensed contractor shall
32 be unenforceable in law or in equity by the unlicensed
33 contractor.

34 (a) For purposes of this section, an individual is
35 unlicensed if the individual does not have a license required by
36 this part concerning the scope of the work to be performed under
37 the contract. A business organization is unlicensed if the
38 business organization does not have a primary or secondary
39 qualifying agent in accordance with this part concerning the
40 scope of the work to be performed under the contract. For
41 purposes of this section, if no state or local license is
42 required for the scope of work to be performed under the
43 contract, the individual performing that work shall not be
44 considered unlicensed.

45 (b) For purposes of this section, an individual or
46 business organization may ~~shall~~ not be considered unlicensed for

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47 failing to have an occupational license certificate issued under
48 the authority of chapter 205. A business organization may shall
49 not be considered unlicensed for failing to have a certificate
50 of authority as required by ss. 489.119 and 489.127. For
51 purposes of this section, a business organization entering into
52 the contract may not be considered unlicensed if, before the
53 date established by paragraph (c), an individual possessing a
54 license required by this part concerning the scope of the work
55 to be performed under the contract has submitted an application
56 for a certificate of authority designating that individual as a
57 qualifying agent for the business organization entering into the
58 contract, and the application was not acted upon by the
59 department or applicable board within the time limitations
60 imposed by s. 120.60.

61 Section 3. Subsections (21) and (22) are added to section
62 489.503, Florida Statutes, to read:

63 489.503 Exemptions.--This part does not apply to:

64 (21) Alarm system inspections, audits, or quality
65 assurance services performed by a nationally recognized testing
66 laboratory that the Occupational Safety and Health
67 Administration has recognized as meeting the requirements of 29
68 C.F.R. s. 1910.7.

69 (22) Any person who installs or repairs lightning rods or
70 related systems.

71 Section 4. Subsections (2), (7), (25), (27), and (28) of
72 section 489.505, Florida Statutes, are amended, and subsection
73 (29) is added to that section, to read:

74 489.505 Definitions.--As used in this part:

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75 (2) "Alarm system contractor" means a person whose
76 business includes the execution of contracts requiring the
77 ability, experience, science, knowledge, and skill to lay out,
78 fabricate, install, maintain, alter, repair, monitor, inspect,
79 replace, or service alarm systems for compensation, including,
80 but not limited to, all types of alarm systems for all purposes.
81 This term also means any person, firm, or corporation that
82 engages in the business of alarm contracting under an expressed
83 or implied contract; that undertakes, offers to undertake,
84 purports to have the capacity to undertake, or submits a bid to
85 engage in the business of alarm contracting; or that by itself
86 or by or through others engages in the business of alarm
87 contracting.

88 (a) "Alarm system contractor I" means an alarm system
89 contractor whose business includes all types of alarm systems
90 for all purposes.

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

94 (7) "Certified alarm system contractor" means an alarm
95 system contractor who possesses a certificate of competency
96 issued by the department. The scope of certification is limited
97 to alarm circuits originating in the alarm control panel and
98 equipment governed by the applicable provisions of Articles 725,
99 760, 770, 800, and 810 of the National Electrical Code, Current
100 Edition, and National Fire Protection Association Standard 72,
101 Current Edition. The scope of certification for alarm system
102 contractors also includes the installation, repair, fabrication,
103 erection, alteration, addition, or design of electrical wiring,

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104 fixtures, appliances, thermostats, apparatus, raceways, and
105 conduit, or any part thereof not to exceed 98 volts (RMS) ~~77~~
106 ~~volts~~, when those items are for the purpose of transmitting data
107 or proprietary video (satellite systems that are not part of a
108 community antenna television or radio distribution system) or
109 providing central vacuum capability or electric locks; however,
110 this provision governing the scope of certification does not
111 create any mandatory licensure requirement.

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

113 (a) Who is employed by a licensed alarm system contractor
114 or licensed electrical contractor;

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

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

122 (27) "Monitoring" means to receive electrical or
123 electronic signals~~7~~ originating from any structure ~~building~~
124 within the state or outside the state, regardless of whether
125 those signals are relayed through a jurisdiction outside the
126 state, where such signals are~~7~~ produced by any security,
127 medical, fire, or burglar alarm, closed circuit television
128 camera, access-control system, or related or similar protective
129 system and are intended by design to initiate a response
130 thereto. A person shall not have committed the act of
131 monitoring if:

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

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

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

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

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

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

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

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

151 (29) "Nationally recognized testing laboratory" means an
152 organization that the Occupational Safety and Health
153 Administration has legally recognized to be in compliance with
154 29 C.F.R. s. 1910.7 and that provides quality assurance, product
155 testing, or certification services.

156 Section 5. Subsection (1) of section 489.513, Florida
157 Statutes, is amended to read:

158 489.513 Registration; application; requirements.--

159 (1) Any person engaged in the business of contracting in
160 the state shall be registered in the proper classification--
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161 unless he or she is certified. Any person desiring to be a
162 registered contractor shall apply to the department for
163 registration and must:-

164 (a) Be at least 18 years old;

165 (b) Be of good moral character; and

166 (c) Meet eligibility requirements according to the
167 following criteria:

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

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

174 a. There is a substantial connection between the lack of
175 good moral character of the individual and the professional
176 responsibilities of a registered contractor; and

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

179 3. When an individual is found to be unqualified because
180 of lack of good moral character, the board must furnish such
181 individual a statement containing the findings of the board, a
182 complete record of evidence upon which the determination was
183 based, and a notice of the rights of the individual to a
184 rehearing and an appeal.

185 Section 6. Section 489.529, Florida Statutes, is amended
186 to read:

187 489.529 Alarm verification calls required.--All
188 residential or commercial intrusion/burglary alarms that have
189 central monitoring must have a central monitoring verification
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190 call made to the premises generating the alarm signal, prior to
191 alarm monitor personnel contacting a law enforcement agency for
192 alarm dispatch. The central monitoring station must employ call-
193 verification methods for the premises generating the alarm
194 signal if the first call is not answered. However, if the
195 intrusion/burglary alarms have properly operating visual or
196 auditory sensors that enable the monitoring personnel to verify
197 the alarm signal, verification calling is not required.

198 Section 7. Section 489.530, Florida Statutes, is amended
199 to read:

200 489.530 Audible alarms.--Every audible alarm system
201 installed by a licensed contractor shall have a device to
202 automatically terminate the audible signal within 15 minutes of
203 activation. A fire alarm system, whether installed voluntarily
204 or as a requirement of an adopted code, which employs an audible
205 fire signal is exempt as required by such code.

206 Section 8. Paragraph (a) of subsection (1) of section
207 489.532, Florida Statutes, is amended to read:

208 489.532 Contracts entered into by unlicensed contractors
209 unenforceable.--

210 (1) As a matter of public policy, contracts entered into
211 on or after October 1, 1990, by an unlicensed contractor shall
212 be unenforceable in law or in equity by the unlicensed
213 contractor.

214 (a) For purposes of this section, an individual is
215 unlicensed if the individual does not have a license required by
216 this part concerning the scope of the work to be performed under
217 the contract. A business organization is unlicensed if the
218 business organization does not have a primary or secondary

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219 | qualifying agent in accordance with this part concerning the
 220 | scope of the work to be performed under the contract. For
 221 | purposes of this section, if no state or local license is
 222 | required for the scope of work to be performed under the
 223 | contract, the individual performing that work shall not be
 224 | considered unlicensed.

225 | Section 9. Sections 2 and 8 are intended to be remedial in
 226 | nature and to clarify existing law. Sections 2 and 8 shall apply
 227 | retroactively to all actions, including any action on a lien or
 228 | bond claim, initiated on or after, or pending as of, July 1,
 229 | 2006. If the retroactivity of any provision of section 2 or
 230 | section 8 or its retroactive application to any person or
 231 | circumstance is held invalid, the invalidity does not affect the
 232 | retroactivity or retroactive application of other provisions of
 233 | sections 2 and 8.

234 | Section 10. This act shall take effect July 1, 2006.

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237 | ===== T I T L E A M E N D M E N T =====

238 | Remove the entire title and insert:

239 | A bill to be entitled

240 | An act relating to contracting; amending s. 489.516, F.S.;
 241 | exempting certain electrical and alarm system contractors
 242 | from ordinances or codes of local governments or special
 243 | districts requiring various types of recognition by
 244 | certain national entities; authorizing local governments
 245 | or special districts to require such contractors to
 246 | provide certain documentation at the final inspection of
 247 | an alarm system; reserving the authority of local

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248 governments and special districts to require compliance
249 with the Florida Fire Prevention Code and NFPA No. 72;
250 amending ss. 489.128 and 489.532, F.S.; providing that
251 individuals performing certain construction contracting or
252 electrical and alarm system contracting work are not
253 considered unlicensed for purposes of contract
254 enforceability; providing for retroactive application;
255 amending s. 489.503, F.S.; exempting nationally recognized
256 testing laboratories and persons who install or repair
257 lightning rods from certain alarm system contracting
258 provisions; amending s. 489.505, F.S.; revising
259 definitions; defining the term "nationally recognized
260 testing laboratory"; amending s. 489.513, F.S.; providing
261 eligibility requirements for registering with the
262 Department of Business and Professional Regulation as an
263 electrical contractor or alarm system contractor; amending
264 s. 489.529, F.S.; requiring a central monitoring station
265 to employ call-verification methods under certain
266 circumstances; amending s. 489.530, F.S.; exempting a fire
267 alarm system from the requirement that it have a device
268 that automatically terminates its audible signal after a
269 certain period; providing an effective date.