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1 scope of the work to be performed under the contract. For
 2 purposes of this section, if no state or local license is
 3 required for the scope of work to be performed under the
 4 contract, the individual performing that work shall not be
 5 considered unlicensed.

6 (b) For purposes of this section, an individual or
 7 business organization may ~~shall~~ not be considered unlicensed
 8 for failing to have an occupational license certificate issued
 9 under the authority of chapter 205. A business organization
 10 may ~~shall~~ not be considered unlicensed for failing to have a
 11 certificate of authority as required by ss. 489.119 and
 12 489.127. For purposes of this section, a business
 13 organization entering into the contract may not be considered
 14 unlicensed if, before the date established by paragraph (c),
 15 an individual possessing a license required by this part
 16 concerning the scope of the work to be performed under the
 17 contract has submitted an application for a certificate of
 18 authority designating that individual as a qualifying agent
 19 for the business organization entering into the contract, and
 20 the application was not acted upon by the department or
 21 applicable board within the time limitations imposed by s.
 22 120.60.

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

25 489.503 Exemptions.--This part does not apply to:

26 (21) Alarm system inspections, audits, or quality
 27 assurance services performed by a nationally recognized
 28 testing laboratory that the Occupational Safety and Health
 29 Administration has recognized as meeting the requirements of
 30 29 C.F.R. s. 1910.7.

31 (22) Any person who installs or repairs lightning

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1 rods or related systems.

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

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

6 (2) "Alarm system contractor" means a person whose
7 business includes the execution of contracts requiring the
8 ability, experience, science, knowledge, and skill to lay out,
9 fabricate, install, maintain, alter, repair, monitor, inspect,
10 replace, or service alarm systems for compensation, including,
11 but not limited to, all types of alarm systems for all
12 purposes. This term also means any person, firm, or
13 corporation that engages in the business of alarm contracting
14 under an expressed or implied contract; that undertakes,
15 offers to undertake, purports to have the capacity to
16 undertake, or submits a bid to engage in the business of alarm
17 contracting; or that by itself or by or through others engages
18 in the business of alarm contracting.

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

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

25 (7) "Certified alarm system contractor" means an alarm
26 system contractor who possesses a certificate of competency
27 issued by the department. The scope of certification is
28 limited to alarm circuits originating in the alarm control
29 panel and equipment governed by the applicable provisions of
30 Articles 725, 760, 770, 800, and 810 of the National
31 Electrical Code, Current Edition, and National Fire Protection

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1 Association Standard 72, Current Edition. The scope of
 2 certification for alarm system contractors also includes the
 3 installation, repair, fabrication, erection, alteration,
 4 addition, or design of electrical wiring, fixtures,
 5 appliances, thermostats, apparatus, raceways, and conduit, or
 6 any part thereof not to exceed 98 volts (RMS) ~~77 volts~~, when
 7 those items are for the purpose of transmitting data or
 8 proprietary video (satellite systems that are not part of a
 9 community antenna television or radio distribution system) or
 10 providing central vacuum capability or electric locks;
 11 however, this provision governing the scope of certification
 12 does not create any mandatory licensure requirement.

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

14 (a) Who is employed by a licensed alarm system
15 contractor or licensed electrical contractor;

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

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

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

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1 of monitoring if:

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

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

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

8 (d) The person is not employed in a proprietary
9 monitoring facility, as defined by the National Fire
10 Protection Association pursuant to rule adopted under chapter
11 633.

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

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

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

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

22 (29) "Nationally recognized testing laboratory" means
23 an organization that the Occupational Safety and Health
24 Administration has legally recognized to be in compliance with
25 29 C.F.R. s. 1910.7 and that provides quality assurance,
26 product testing, or certification services.

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

29 489.513 Registration; application; requirements.--

30 (1) Any person engaged in the business of contracting
31 in the state shall be registered in the proper classification,

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1 unless he or she is certified. Any person desiring to be a
2 registered contractor shall apply to the department for
3 registration and must:-

4 (a) Be at least 18 years old;

5 (b) Be of good moral character; and

6 (c) Meet eligibility requirements according to the
7 following criteria:

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

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

15 a. There is a substantial connection between the lack
16 of good moral character of the individual and the professional
17 responsibilities of a registered contractor; and

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

20 3. When an individual is found to be unqualified
21 because of lack of good moral character, the board must
22 furnish such individual a statement containing the findings of
23 the board, a complete record of evidence upon which the
24 determination was based, and a notice of the rights of the
25 individual to a rehearing and an appeal.

26 Section 5. Section 489.529, Florida Statutes, is
27 amended to read:

28 489.529 Alarm verification calls required.--All
29 residential or commercial intrusion/burglary alarms that have
30 central monitoring must have a central monitoring verification
31 call made to the premises generating the alarm signal, prior

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1 to alarm monitor personnel contacting a law enforcement agency
 2 for alarm dispatch. The central monitoring station must employ
 3 call-verification methods for the premises generating the
 4 alarm signal if the first call is not answered. However, if
 5 the intrusion/burglary alarms have properly operating visual
 6 or auditory sensors that enable the monitoring personnel to
 7 verify the alarm signal, verification calling is not required.

8 Section 6. Section 489.530, Florida Statutes, is
 9 amended to read:

10 489.530 Audible alarms.--Every audible alarm system
 11 installed by a licensed contractor shall have a device to
 12 automatically terminate the audible signal within 15 minutes
 13 of activation. A fire alarm system, whether installed
 14 voluntarily or as a requirement of an adopted code, which
 15 employs an audible fire signal is exempt as required by such
 16 code.

17 Section 7. Paragraph (a) of subsection (1) of section
 18 489.532, Florida Statutes, is amended to read:

19 489.532 Contracts entered into by unlicensed
 20 contractors unenforceable.--

21 (1) As a matter of public policy, contracts entered
 22 into on or after October 1, 1990, by an unlicensed contractor
 23 shall be unenforceable in law or in equity by the unlicensed
 24 contractor.

25 (a) For purposes of this section, an individual is
 26 unlicensed if the individual does not have a license required
 27 by this part concerning the scope of the work to be performed
 28 under the contract. A business organization is unlicensed if
 29 the business organization does not have a primary or secondary
 30 qualifying agent in accordance with this part concerning the
 31 scope of the work to be performed under the contract. For

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1 purposes of this section, if no state or local license is
 2 required for the scope of work to be performed under the
 3 contract, the individual performing that work shall not be
 4 considered unlicensed.

5 Section 8. Sections 1 and 7 are intended to be
 6 remedial in nature and to clarify existing law. Sections 1 and
 7 7 shall apply retroactively to all actions, including any
 8 action on a lien or bond claim, initiated on or after, or
 9 pending as of, July 1, 2006. If the retroactivity of any
 10 provision of section 1 or section 7 or its retroactive
 11 application to any person or circumstance is held invalid, the
 12 invalidity does not affect the retroactivity or retroactive
 13 application of other provisions of sections 1 and 7.

14
15 (Redesignate subsequent sections.)

16
17
18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 On page 1, lines 2-7, delete those lines

21
22 and insert:

23 An act relating to contracting; amending ss.
 24 489.128 and 489.532, F.S.; providing that
 25 individuals performing certain construction
 26 contracting or electrical and alarm system
 27 contracting work are not considered unlicensed
 28 for purposes of contract enforceability;
 29 providing for retroactive application; amending
 30 s. 489.503, F.S.; exempting nationally
 31 recognized testing laboratories and persons who

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1 install or repair lightning rods from certain
2 alarm system contracting provisions; amending
3 s. 489.505, F.S.; revising definitions;
4 defining the term "nationally recognized
5 testing laboratory"; amending
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