

1                                   A bill to be entitled  
2           An act relating to contracting; amending s.  
3           489.516, F.S.; exempting certain electrical and  
4           alarm system contractors from ordinances or  
5           codes of local governments or special districts  
6           requiring various types of recognition by  
7           certain national entities; authorizing local  
8           governments or special districts to require  
9           such contractors to provide certain  
10          documentation at the final inspection of an  
11          alarm system; reserving the authority of local  
12          governments and special districts to require  
13          compliance with the Florida Fire Prevention  
14          Code and NFPA No. 72; amending ss. 489.128 and  
15          489.532, F.S.; providing that individuals  
16          performing certain construction contracting or  
17          electrical and alarm system contracting work  
18          are not considered unlicensed for purposes of  
19          contract enforceability; providing for  
20          retroactive application; amending s. 489.503,  
21          F.S.; exempting nationally recognized testing  
22          laboratories and persons who install or repair  
23          lightning rods from certain alarm system  
24          contracting provisions; amending s. 489.505,  
25          F.S.; revising definitions; defining the term  
26          "nationally recognized testing laboratory";  
27          amending s. 489.513, F.S.; providing  
28          eligibility requirements for registering with  
29          the Department of Business and Professional  
30          Regulation as an electrical contractor or alarm  
31          system contractor; amending s. 489.529, F.S.;

1 requiring a central monitoring station to  
2 employ call-verification methods under certain  
3 circumstances; amending s. 489.530, F.S.;  
4 exempting a fire alarm system from the  
5 requirement that it have a device that  
6 automatically terminates its audible signal  
7 after a certain period; providing an effective  
8 date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Subsection (5) is added to section 489.516,  
13 Florida Statutes, to read:

14 489.516 Qualifications to practice; restrictions;  
15 prerequisites.--

16 (5) Notwithstanding any other provision to the  
17 contrary, a certified electrical contractor, registered alarm  
18 system contractor I, registered alarm system contractor II, or  
19 alarm system contractor I or alarm system contractor II that  
20 is a certified alarm system contractor is exempt from any  
21 local law, local ordinance, or local code that requires a  
22 contractor to be listed or placarded by a nationally  
23 recognized testing laboratory or to be certified by any  
24 regionally or nationally recognized certification  
25 organization. However, a county, municipality, or special  
26 district may require any such electrical contractor or alarm  
27 system contractor to provide, at the final inspection of a  
28 fire alarm system, the documentation required by NFPA No. 72,  
29 "National Fire Alarm Code," for installation and monitoring.  
30 This subsection does not prohibit a county, municipality, or  
31

1 special district from requiring compliance with the Florida  
2 Fire Prevention Code or with NFPA No. 72.

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

5 489.128 Contracts entered into by unlicensed  
6 contractors unenforceable.--

7 (1) As a matter of public policy, contracts entered  
8 into on or after October 1, 1990, by an unlicensed contractor  
9 shall be unenforceable in law or in equity by the unlicensed  
10 contractor.

11 (a) For purposes of this section, an individual is  
12 unlicensed if the individual does not have a license required  
13 by this part concerning the scope of the work to be performed  
14 under the contract. A business organization is unlicensed if  
15 the business organization does not have a primary or secondary  
16 qualifying agent in accordance with this part concerning the  
17 scope of the work to be performed under the contract. For  
18 purposes of this section, if no state or local license is  
19 required for the scope of work to be performed under the  
20 contract, the individual performing that work shall not be  
21 considered unlicensed.

22 (b) For purposes of this section, an individual or  
23 business organization ~~may shall~~ not be considered unlicensed  
24 for failing to have an occupational license certificate issued  
25 under the authority of chapter 205. A business organization  
26 ~~may shall~~ not be considered unlicensed for failing to have a  
27 certificate of authority as required by ss. 489.119 and  
28 489.127. For purposes of this section, a business  
29 organization entering into the contract may not be considered  
30 unlicensed if, before the date established by paragraph (c),  
31 an individual possessing a license required by this part

1 concerning the scope of the work to be performed under the  
2 contract has submitted an application for a certificate of  
3 authority designating that individual as a qualifying agent  
4 for the business organization entering into the contract, and  
5 the application was not acted upon by the department or  
6 applicable board within the time limitations imposed by s.  
7 120.60.

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

10 489.503 Exemptions.--This part does not apply to:

11 (21) Alarm system inspections, audits, or quality  
12 assurance services performed by a nationally recognized  
13 testing laboratory that the Occupational Safety and Health  
14 Administration has recognized as meeting the requirements of  
15 29 C.F.R. s. 1910.7.

16 (22) Any person who installs or repairs lightning rods  
17 or related systems.

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

21 489.505 Definitions.--As used in this part:

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

1 undertake, or submits a bid to engage in the business of alarm  
2 contracting; or that by itself or by or through others engages  
3 in the business of alarm contracting.

4 (a) "Alarm system contractor I" means an alarm system  
5 contractor whose business includes all types of alarm systems  
6 for all purposes.

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

10 (7) "Certified alarm system contractor" means an alarm  
11 system contractor who possesses a certificate of competency  
12 issued by the department. The scope of certification is  
13 limited to alarm circuits originating in the alarm control  
14 panel and equipment governed by the applicable provisions of  
15 Articles 725, 760, 770, 800, and 810 of the National  
16 Electrical Code, Current Edition, and National Fire Protection  
17 Association Standard 72, Current Edition. The scope of  
18 certification for alarm system contractors also includes the  
19 installation, repair, fabrication, erection, alteration,  
20 addition, or design of electrical wiring, fixtures,  
21 appliances, thermostats, apparatus, raceways, and conduit, or  
22 any part thereof not to exceed 98 volts (RMS) ~~77 volts~~, when  
23 those items are for the purpose of transmitting data or  
24 proprietary video (satellite systems that are not part of a  
25 community antenna television or radio distribution system) or  
26 providing central vacuum capability or electric locks;  
27 however, this provision governing the scope of certification  
28 does not create any mandatory licensure requirement.

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

30 (a) Who is employed by a licensed alarm system  
31 contractor or licensed electrical contractor;

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

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

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

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

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

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

24 (d) The person is not employed in a proprietary  
25 monitoring facility, as defined by the National Fire  
26 Protection Association pursuant to rule adopted under chapter  
27 633.

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

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

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

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

8 (29) "Nationally recognized testing laboratory" means  
9 an organization that the Occupational Safety and Health  
10 Administration has legally recognized to be in compliance with  
11 29 C.F.R. s. 1910.7 and that provides quality assurance,  
12 product testing, or certification services.

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

15 489.513 Registration; application; requirements.--

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

21 (a) Be at least 18 years old;

22 (b) Be of good moral character; and

23 (c) Meet eligibility requirements according to the  
24 following criteria:

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

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

1           a. There is a substantial connection between the lack  
2 of good moral character of the individual and the professional  
3 responsibilities of a registered contractor; and

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

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

12           Section 6. Section 489.529, Florida Statutes, is  
13 amended to read:

14           489.529 Alarm verification calls required.--All  
15 residential or commercial intrusion/burglary alarms that have  
16 central monitoring must have a central monitoring verification  
17 call made to the premises generating the alarm signal, prior  
18 to alarm monitor personnel contacting a law enforcement agency  
19 for alarm dispatch. The central monitoring station must employ  
20 call-verification methods for the premises generating the  
21 alarm signal if the first call is not answered. However, if  
22 the intrusion/burglary alarms have properly operating visual  
23 or auditory sensors that enable the monitoring personnel to  
24 verify the alarm signal, verification calling is not required.

25           Section 7. Section 489.530, Florida Statutes, is  
26 amended to read:

27           489.530 Audible alarms.--Every audible alarm system  
28 installed by a licensed contractor shall have a device to  
29 automatically terminate the audible signal within 15 minutes  
30 of activation. A fire alarm system, whether installed  
31 voluntarily or as a requirement of an adopted code, which



1 employs an audible fire signal is exempt as required by such  
2 code.

3 Section 8. Paragraph (a) of subsection (1) of section  
4 489.532, Florida Statutes, is amended to read:

5 489.532 Contracts entered into by unlicensed  
6 contractors unenforceable.--

7 (1) As a matter of public policy, contracts entered  
8 into on or after October 1, 1990, by an unlicensed contractor  
9 shall be unenforceable in law or in equity by the unlicensed  
10 contractor.

11 (a) For purposes of this section, an individual is  
12 unlicensed if the individual does not have a license required  
13 by this part concerning the scope of the work to be performed  
14 under the contract. A business organization is unlicensed if  
15 the business organization does not have a primary or secondary  
16 qualifying agent in accordance with this part concerning the  
17 scope of the work to be performed under the contract. For  
18 purposes of this section, if no state or local license is  
19 required for the scope of work to be performed under the  
20 contract, the individual performing that work shall not be  
21 considered unlicensed.

22 Section 9. Sections 2 and 8 are intended to be  
23 remedial in nature and to clarify existing law. Sections 2 and  
24 8 shall apply retroactively to all actions, including any  
25 action on a lien or bond claim, initiated on or after, or  
26 pending as of, July 1, 2006. If the retroactivity of any  
27 provision of section 2 or section 8 or its retroactive  
28 application to any person or circumstance is held invalid, the  
29 invalidity does not affect the retroactivity or retroactive  
30 application of other provisions of sections 2 and 8.

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