

Fla. Stat. § 489.505

Statutes and Constitution are updated through the 2013 Regular Session. Annotations are current through March 7, 2014

Florida Statutes > **TITLE 32. REGULATION OF PROFESSIONS AND OCCUPATIONS (Chs. 454-493)**
> **CHAPTER 489. CONTRACTING** > **PART II. ELECTRICAL AND ALARM SYSTEM CONTRACTING**

§ 489.505. Definitions

As used in this part:

- (1) "Alarm system" means any electrical device, signaling device, or combination of electrical devices used to signal or detect a burglary, fire, robbery, or medical emergency.
- (2) "Alarm system contractor" means a person whose business includes the execution of contracts requiring the ability, experience, science, knowledge, and skill to lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace, or service alarm systems for compensation, including, but not limited to, all types of alarm systems for all purposes. This term also means any person, firm, or corporation that engages in the business of alarm contracting under an expressed or implied contract; that undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to engage in the business of alarm contracting; or that by itself or by or through others engages in the business of alarm contracting.
 - (a) "Alarm system contractor I" means an alarm system contractor whose business includes all types of alarm systems for all purposes.
 - (b) "Alarm system contractor II" means an alarm system contractor whose business includes all types of alarm systems other than fire, for all purposes, except as herein provided.
- (3) "Board," except "local board," means the Electrical Contractors' Licensing Board created by this part.
- (4) "Certificate" means a geographically unlimited certificate of competency issued by the department as provided in this part.
- (5) "Certificateholder" means a contractor who has obtained a certificate of competency.
- (6) "Certification" means the act of obtaining or holding a certificate of competency from the department as provided in this part.
- (7) "Certified alarm system contractor" means an alarm system contractor who possesses a certificate of competency issued by the department. The scope of certification is limited to alarm circuits originating in the alarm control panel and equipment governed by the applicable provisions of Articles 725, 760, 770, 800, and 810 of the National Electrical Code, Current Edition, and National Fire Protection Association Standard 72, *Current* Edition. The scope of certification for alarm system contractors also includes the installation, repair, fabrication, erection, alteration, addition, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 98 volts (RMS), when those items are for the purpose of transmitting data or proprietary video (satellite systems that are not part of a community antenna television or radio distribution system) or providing central vacuum capability or electric locks; however, this provision governing the scope of certification does not create any mandatory licensure requirement.
- (8) "Certified electrical contractor" means an electrical contractor who possesses a certificate of competency issued by the department.
- (9) "Contracting" means, except where exempted in this part, engaging in business as a contractor or performing electrical or alarm work for compensation and includes, but is not limited to, performance of any of the acts found in subsections (2) and (12), which define the services which a contractor is allowed to perform. The attempted sale of contracting services and the negotiation or bid for a contract on these services also constitutes contracting. If the services offered require licensure or agent qualification, the offering, negotiation for a bid, or attempted sale of these services requires the corresponding licensure.
- (10) "Contractor" means a person who is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department.
- (11) "Department" means the Department of Business and Professional Regulation.

- (12) "Electrical contractor" or "unlimited electrical contractor" means a person who conducts business in the electrical trade field and who has the experience, knowledge, and skill to install, repair, alter, add to, or design, in compliance with law, electrical wiring, fixtures, appliances, apparatus, raceways, conduit, or any part thereof, which generates, transmits, transforms, or utilizes electrical energy in any form, including the electrical installations and systems within plants and substations, all in compliance with applicable plans, specifications, codes, laws, and regulations. The term means any person, firm, or corporation that engages in the business of electrical contracting under an express or implied contract; or that undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to engage in the business of electrical contracting; or that does itself or by or through others engage in the business of electrical contracting.
- (13) "Local construction regulation board" or "local board" means a board, composed of not fewer than three residents of a county or municipality, which the governing body of that county or municipality may create and appoint to maintain the proper standard of construction of that county or municipality.
- (14) "Primary qualifying agent" means a person who possesses the requisite skill, knowledge, and experience, and has the responsibility, to supervise, direct, manage, and control the electrical or alarm system contracting activities of the business organization with which he or she is connected; and whose technical and personal qualifications have been determined by investigation and examination as provided in this part by the department, as attested to by the board; and who has been issued a certificate of competency by the department.
- (15) "Secondary qualifying agent" means a person who possesses the requisite skill, knowledge, and experience, and has the responsibility to supervise, direct, manage, and control the electrical or alarm system contracting activities on a job for which he or she has obtained a permit; and whose technical and personal qualifications have been determined by investigation and examination as provided in this part by the department, as attested to by the board; and who has been issued a certificate of competency by the department.
- (16) "Registered electrical contractor" means an electrical contractor who has registered with the department pursuant to fulfilling the competency requirements in the jurisdiction for which the registration is issued. A registered electrical contractor may contract only in the jurisdiction for which his or her registration is issued.
- (17) "Registration" means registration with the department as provided in this part.
- (18) "Registrant" means a person who has registered with the department pursuant to the requirements of this part.
- (19) "Specialty contractor" means a contractor whose scope of practice is limited to a specific segment of electrical or alarm system contracting established in a category adopted by board rule, including, but not limited to, residential electrical contracting, maintenance of electrical fixtures, and fabrication, erection, installation, and maintenance of electrical advertising signs together with the interrelated parts and supports thereof.
- (20) "Mediation" means a process whereby a neutral third party acts to encourage and facilitate the resolution of a dispute without prescribing what it should be. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable agreement.
- (21) "Registered alarm system contractor I" means an alarm system contractor whose business includes all types of alarm systems for all purposes and who is registered with the department pursuant to [s. 489.513](#). A registered alarm system contractor I may contract only in the jurisdictions for which his or her registration is issued.
- (22) "Registered alarm system contractor II" means an alarm system contractor whose business includes all types of alarm systems, other than fire, for all purposes and who is registered with the department pursuant to [s. 489.513](#). A registered alarm system contractor II may contract only in the jurisdiction for which his or her registration is issued.
- (23) "Registered residential alarm system contractor" means an alarm system contractor whose business is limited to burglar alarm systems in single-family residential, quadruplex housing, and mobile homes of

a residential occupancy class and who is registered with the department pursuant to [s. 489.513](#). The board shall define "residential occupancy class" by rule. A registered residential alarm system contractor may contract only in the jurisdiction for which his or her registration is issued.

- (24) "Licensure" means any type of certification or registration provided for in this part.
- (25) "Burglar alarm system agent" means a person:
- (a) Who is employed by a licensed alarm system contractor or licensed electrical contractor;
 - (b) Who is performing duties which are an element of an activity which constitutes alarm system contracting requiring licensure under this part; and
 - (c) Whose specific duties include any of the following: altering, installing, maintaining, moving, repairing, replacing, servicing, selling, or monitoring an intrusion or burglar alarm system for compensation.
- (26) "Personal emergency response system" means any device which is simply plugged into a telephone jack or electrical receptacle and which is designed to initiate a telephone call to a person who responds to, or has a responsibility to determine the proper response to, personal emergencies, but does not include hard-wired or wireless alarm systems designed to detect intrusion or fire.
- (27) "Monitoring" means to receive electrical or electronic signals originating from any structure within the state or outside the state, regardless of whether those signals are relayed through a jurisdiction outside the state, where such signals are produced by any security, medical, fire, or burglar alarm, closed circuit television camera, access-control system, or related or similar protective system and are intended by design to initiate a response thereto. A person shall not have committed the act of monitoring if:
- (a) The person is an occupant of, or an employee working within, protected premises;
 - (b) The person initiates emergency action in response to hearing or observing an alarm signal;
 - (c) The person's action is incidental to his or her primary responsibilities; and
 - (d) The person is not employed in a proprietary monitoring facility, as defined by the National Fire Protection Association pursuant to rule adopted under chapter 633.
- (28) "Fire alarm system agent" means a person:
- (a) Who is employed by a licensed fire alarm contractor or certified unlimited electrical contractor;
 - (b) Who is performing duties which are an element of an activity that constitutes fire alarm system contracting requiring certification under this part; and
 - (c) Whose specific duties include any of the following: altering, installing, maintaining, moving, repairing, replacing, servicing, selling, or monitoring a fire alarm system for compensation.
- (29) "Nationally recognized testing laboratory" means an organization that the Occupational Safety and Health Administration has legally recognized to be in compliance with 29 C.F.R. s. 1910.7 and that provides quality assurance, product testing, or certification services.

History

SS. 2, 17, ch. 79-272; ss. 2, 3, ch. 81-318; s. 88, ch. 83-329; s. 3, ch. 85-290; ss. 3, 14, [ch. 87-254](#); ss. 2, 21, 23, [ch. 88-149](#); s. 1, [ch. 89-81](#); s. 5, [ch. 89-343](#); s. 41, [ch. 90-228](#); s. 2, [ch. 91-119](#); s. 4, [ch. 91-429](#); s. 271, [ch. 94-119](#); s. 187, [ch. 94-218](#); s. 2, [ch. 96-298](#); s. 73, [ch. 96-388](#); s. 1133, [ch. 97-103](#); s. 1, [ch. 97-122](#); s. 9, [ch. 98-170](#); s. 36, [ch. 98-419](#); ss. 37, 46, [ch. 2000-372](#); s. 4, [ch. 2006-154](#), *eff. July 1, 2006*; s. 38, [ch. 2009-195](#), *eff. Oct. 1, 2009*.

Annotations

Notes

AMENDMENTS

The 2006 amendment by s. 4, [ch. 2006-154](#), effective July 1, 2006, added the second sentence in (2); in (7), substituted "98 volts (RMS)" for "77 volts"; in (25)(c), deleted "onsite" following "selling"; in (27), substituted

"structure" for "building," inserted "or outside the state, regardless of whether those signals are relayed through a jurisdiction outside the state, where such signals are," inserted "access-control system" and inserted "are intended by design"; and added (29).

The 2009 amendment, in (19), added "established in a category adopted by board rule" and deleted the former second sentence, which read: "Categories of specialty contractor shall be established by board rule."

FLORIDA STATUTES REFERENCES

Chapter 489. Contracting, F.S. § 489.503. Exemptions.

Chapter 489. Contracting, F.S. § 489.514. Certification for registered contractors; grandfathering provisions.

FLORIDA ADMINISTRATIVE CODE REFERENCES

Chapter 61G6-5 Application for Certification, F.A.C. 61G6-5.001 Definitions.

Chapter 61G6-5 Application for Certification, F.A.C. 61G6-5.011 Qualification of Joint Ventures.

Chapter 61G6-6 Examinations, F.A.C. 61G6-6.015 Alarm System Contractor Examination.

Chapter 61G6-7 Specialty Electrical Contractors, F.A.C. 61G6-7.002 Scope of Certification of Certified Electrical Contractors.

Chapter 61G6-9 *Continuing* Education, F.A.C. 61G6-9.006 Approval of Continuing Education Courses.

Chapter 61G6-10 Disciplinary Guidelines, F.A.C. 61G6-10.0015 Standards of Practice.

Case Notes

LexisNexis (R) Notes

Governments: State & Territorial Governments: Licenses

1. Where a company installed fire alarm systems in its own buildings and did not hire itself out to the public as an electrical and alarm system contractor, the company was not engaged in "contracting," therefore the company was not required to be licensed. [Verizon Fla., Inc. v. Fla. Dep't of Bus. Regulation, Elec. Contrs. Licensing Bd., 850 So. 2d 629, 2003 Fla. App. LEXIS 11109 \(Fla. 1st DCA 2003\).](#)

Opinion Notes

OPINIONS OF ATTORNEY GENERAL

1. In the absence of a clear statutory proscription, the Electrical Contractors' Licensing Board is not authorized to prosecute an individual engaging in alarm system contracting under a locally issued license in a limited geographical area. However, in light of the conflicting language contained in Part II, Ch. 489, Fla. Stat., regarding the registration of alarm system contractors, the board may wish to seek a declaratory judgment or legislative clarification. AGO 1989-46, [1989 Fla. AG Lexis 55.](#)

LexisNexis © Florida Annotated Statutes

Copyright © 2014 by Matthew Bender & Company, Inc. a member of the LexisNexis Group. All rights reserved.