

ORDINANCE NO. 07- 48

AN ORDINANCE AMENDING THE OKALOOSA ELECTRICAL CODE, ORDINANCE NO. 99-20, AS SHOWN IN ATTACHED EXHIBIT A; REPEALING ALL ORDINANCES, OR PORTIONS THEREOF, IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA:

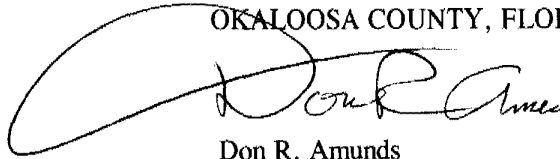
Section 1. The Okaloosa Electrical Code, Ordinance Number 99-20, as amended, is hereby amended in the following particulars only.

Section 2. Ordinance 99-20 is hereby amended as shown on attached Exhibit A.

Section 3. This Ordinance shall become effective as provided by law, and does hereby repeal any ordinances, or provisions thereof, in conflict herewith. Should any word, phrase, sentence, subsection, section or other part of this Ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional then the part so held shall be severed from this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

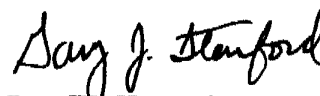
DULY PASSED AND ADOPTED in regular session this the 4th day
of
September, 2007

BOARD OF COUNTY COMMISSIONERS
OKALOOSA COUNTY, FLORIDA


Don R. Amunds
Chairman



ATTEST:


Don W. Howard
Clerk of Court

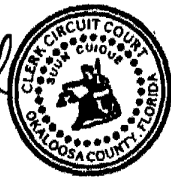


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ELECTRICAL CODE

DIVISION 1. GENERAL

Section 1-1. Short Title.

This section shall be known and may be cited as "The Okaloosa County Electrical Code."

Section 1-2. Authority and Purpose.

This section is adopted pursuant to the general laws of the State of Florida to protect the health, safety and welfare of persons and property by requiring the certification of persons engaged in or desiring to engage in the business of electrical contracting.

Section 1-3. Technical Code.

The following specific codes, and any subsequent amendments thereto, are hereby adopted as the minimum standards to be complied with in the construction of any improvements in Okaloosa County, Florida:

- a. The Electrical Code shall be the 2005 edition of the NFPA 70.
- b. The Fire Prevention Code shall be the 2004 edition of the Florida Fire Prevention Code.

Section 1-4. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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.

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.

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 and may contract only in Okaloosa County.

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 and may contract only in Okaloosa County.

Applicant means an individual or business entity making application for registration as an alarm system contractor, an electrical contractor or a specialty electrical contractor.

Board means the Okaloosa County Electrical Competency Board.

Burglar Alarm System Agent means a person who is employed by a licensed alarm system contractor or licensed electrical contractor; who is performing duties which are an element of an activity which constitutes alarm system contracting requiring licensure under this part; and 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.

Certificate means a Certificate of Competency issued by the Okaloosa County Department of Growth Management.

Contracting means, except where exempted herein, 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 this ordinance 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.

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 Okaloosa County Department of Growth Management.

Department means the Okaloosa County Department of Growth Management.

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.

Financially Responsible Officer means a person other than the primary qualifying agent who with the approval of the Board assumes personal responsibility for all financial aspects of the business organization.

Fire Alarm System Agent means a person who is employed by a licensed fire alarm contractor or certified unlimited electrical contractor; who is performing duties which are an element of an activity that constitutes fire alarm system contracting requiring certification under this part; and whose specific duties include any of the following: altering, installing, maintaining, moving, repairing, replacing, servicing, selling, or monitoring a fire alarm system for compensation.

Licensure means any type of certification or registration provided for in this ordinance.

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.

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.

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; who 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 the permit; and whose technical and personal qualifications have been determined by investigation and examination as provided in this ordinance by the Department, as attested to by the Board; and who has been issued a Certificate of Competency by the Department.

Registration means registration with the Department of Business and Professional Regulation.

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 and may contract only in Okaloosa County.

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 ordinance by the Department, as attested to by the Board; and who has been issued a Certificate of Competency by the Department.

Specialty Contractor means a contractor whose scope of practice is limited to a specific segment of electrical or alarm system contracting, 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. Categories of specialty contractor include:

1. *Lighting Maintenance Specialty Electrical Contractor.* The scope of registration of a lighting maintenance specialty contractor is limited to the installation, repair, alteration, or replacement of lighting fixtures in or on buildings, signs, billboards, roadways, streets, parking lots and other similar structures. However, the registration does not include the provision of, or work beyond, the last electrical supplying source, outlet, or disconnecting means.

2. *Limited Energy Systems Specialty Contractor.* The scope of registration of a limited energy systems specialty contractor includes the installation, repair, fabrication, erection, alteration, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, conduit, and fiber optics (transmission of light over stranded glass) or any part thereof not to exceed 77 volts, when those items are for the purpose of transmitting data, proprietary video (satellite systems which are not part of a community antenna television, cable television, or radio distribution system), radio frequency, central vacuum, or electric locks, data distribution networks, home theater systems, surround sound systems, public address systems or telephone systems.

(a) The scope of registration is limited to electrical circuits and equipment governed by the applicable provisions of Articles 725 (Class 2 and 3 circuits only), 770, 800, 810, and 820 of the National Electrical Code, 2005 edition.

(b) The scope of registration shall not include work performed by public utilities exempt under the terms of Section 489.503(5), Florida Statutes, or exempt due to the regulatory jurisdiction of the Florida Public Service Commission.

3. *Residential Electrical Contractor.* The scope of registration of a residential electrical contractor includes installation, repair, alteration, addition to, or design of electrical wiring, fixtures, appliances, apparatus, raceways, conduit, or any part thereof, in a 1, 2, 3 or 4 family residence not exceeding two (2) stories in height, and accessory use structures in connection with the residence. The electrical service installed or worked upon is limited to single phase,

400 ampere single service.

4. *Sign Specialty Electrical Contractor.* The scope of registration of a sign specialty electrical contractor includes the structural fabrication, concrete foundation, erection, installation, alteration, repair, service and wiring of electrical signs and outline lighting. The scope of registration shall not include the provision of, or any electrical work beyond, the last disconnect mean or terminal points; however, a contractor certified under this section may provide the electrical entrance requirements for metering and main disconnect of remote billboards or signs which are independent of any structure or building and which require no more than twenty-five (25) kilowatts at two hundred fifty (250) volts maximum.

5. *Utility Line Electrical Contractor.* The scope of registration of a utility line electrical contractor includes a utility contractor whose business includes all types of transmission electrical circuits, distribution electrical circuits, and substation construction done for investor owned electrical utilities, city municipal electrical utilities, and cooperatives under the rural electrical authority between point of origin and point of delivery.

State Board means the Electrical Contractor's Licensing Board created by Chapter 489, Florida Statutes.

Section 1-5. Okaloosa County Business Tax Receipt.

Any existing or newly established business located within Okaloosa County must purchase an Okaloosa County Business Tax Receipt. This license must be on file with the Okaloosa County Department of Growth Management Department before a competency card can be issued.

Contractors who are regulated by the Department of Business and Professional Regulation and their permanent place of business is outside of Okaloosa County and are performing work or services on a temporary or transitory basis are exempt from obtaining an Okaloosa County Business Tax Receipt. A copy of the Business Tax Receipt from the county or municipality in the state where the person's permanent business location or branch office is maintained is acceptable and must be filed with the Okaloosa County Growth Management Department.

Section 1-6. Reserved.

Section 1-7. Illegal Advertising.

The registration number of a contractor shall be stated in each offer of services, business proposal, or advertisement, regardless of medium, used by that contractor. For the purposes of this part, the term "advertisement" does not include business stationery or any promotional novelties such as balloons, pencils, trinkets, or articles of clothing. The board shall assess a fine of not less than \$100.00 or issue a citation to any contractor who fails to include that contractor's registration number when submitting an advertisement for publication, broadcast, or printing. In addition, any person who claims in any advertisement to be a registered contractor, but who does not hold a valid state registration, commits a misdemeanor of the second degree, punishable as provided in

s.775.082 or s775.083.

Section 1-8. Department of Growth Management, Building Division; Building Official - - Powers and duties.

Building Division. There is hereby established a Building Division of the Okaloosa County Department of Growth Management, hereafter referred to as the Building Division, and the person in charge shall be known as the Building Official.

Section 1-9. Code Interpretation; Appeals.

In the event a dispute arises concerning the interpretation of any code or provision hereby enacted, the party objecting to the interpretation of the Inspector of the particular field involved shall make written appeal of the decision to the Building Official. If the matter is not resolved to the satisfaction of the party concerned by the Building Official, further appeal may be made to the Construction Board of Adjustments and Appeals. The appointment, membership, terms, quorum, powers, and procedures of the Construction Board of Adjustments and Appeals are provided in Chapter 1 of the Florida Building Code.

Section 1-10. Owner's Privilege.

State law requires electrical contracting to be done by licensed electrical contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own electrical contractor even though you do not have a license. You may install electrical wiring for a farm outbuilding or a single-family or duplex residence. You may install electrical wiring in a commercial building with aggregate construction costs of which are under \$75,000. The home or building must be for your own use and occupancy. It may not be built for sale or lease. If you sell or lease more than one building you have wired yourself within 1 year after the construction is complete, the law will presume that you built it for sale or lease, which is a violation of this exception. You may not hire an unlicensed person as your electrical contractor. Your construction shall be done according to building codes and zoning regulations. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal ordinances. He or she shall comply with the following:

- a. File plans and specification and prove qualifications under this section. Specifications and qualifications must be approved by the Okaloosa County Building Official or his designees.
- b. Apply for and secure applicable permits.
- c. Do the work in accordance with applicable codes.
- d. Secure the approval of the permitted construction by the Okaloosa County Department of Growth Management.
- e. Obtain a Certificate of Insurance holding the County harmless from liability or supply a certificate from such Owner holding the County harmless from liability.
- f. May be required to furnish records relating to the permitted construction if necessary.

The Owner exercising this privilege shall not, by reason thereof, set him or herself up as a contractor without complying with the provisions to obtain a Certificate of Competency as a contractor.

Section 1-11. Tampering with Installation.

It shall be unlawful for any person to in any way tamper with permitted installation, and thereby increase the hazard to life and property. Any person violating this provision who is regulated by the Board shall be punished as provided in this code. Any person violating this provision who is not regulated by the Board commits a misdemeanor of the second degree, punishable as provided in sections 775.082 and 775.083, Florida Statutes.

Section 1-12. Unlawfully Acting as a Contractor

It is unlawful for any person to engage in the business or act in the capacity of a contractor in Okaloosa County without having been duly certified or registered as required under the provisions of this ordinance. It is further a violation of this Ordinance for any person in Okaloosa County to:

- a. Falsely hold him or herself or business organization out as one duly certified as required by the provisions of this ordinance.
- b. Falsely impersonate one duly certified or registered as required by the provisions of this ordinance.
- c. Present as his or her own, the certificate, registration or Certificate of Competency of another.
- d. Knowingly give false or forged evidence to the Department or the Board for the purpose of obtaining a certificate or registration.
- e. Use or attempt to use a registration or Certificate of Competency that has been suspended, revoked or placed on an inactive or retired status.

Any person violating this section commits a misdemeanor or the second degree, punishable as provided in sections 775.082 and 775.083, Florida Statutes.

Section 1-13. Violations; Penalties – Persons Certified or Registered as Contractors.

It is a violation of this ordinance for any person duly certified or registered under the provisions of this ordinance to commit any act that may be cause for warning or suspension or revocation of a Certificate of Competency or which may be cause for disciplinary action pursuant to penalties as provided in this ordinance. The acts or circumstances that constitute cause for warning or suspension or revocation of a Certificate of Competency are, but not limited to, as follows:

- a. Operating a business organization engaged in contracting after 60 days following the termination of its only qualifying agent without designating another primary qualifying agent, except as provided in sections 489.521 and 489.522, Florida Statutes.
- b. Willfully or deliberately disregarding and violating the applicable building codes or laws of the State or any municipalities, cities or counties thereof.
- c. Commencing or performing work for which a permit is required pursuant to the adopted state minimum building code without such permit being in effect.

- d. Aiding or abetting any uncertified or unregistered person to evade any provision of this ordinance.
- e. Performing any act which assists a person or entity in engaging in the prohibited uncertified and unregistered practice of contracting, if the certificate holder or registrant knows or has reasonable grounds to know that the person or entity was uncertified and unregistered.
- f. Knowingly combining or conspiring with an uncertified or unregistered person by allowing one's certificate, registration or certificate of authority to be used by any uncertified or unregistered person with intent to evade the provisions of this ordinance. A certificate holder or registrant allowing his or her certificate or registration to be used by one or more business organizations without having any active participation in the operations, management or control of said business organization, constitutes prima facie evidence of an intent to evade the provisions of this ordinance.
- g. Acting in the capacity of a contractor under any certificate or registration issued hereunder except in the name of the certificate holder or registrant as set forth on the issued certificate or registration or in accordance with the personnel of the certificate holder or registrant as set forth in the application for the certificate or registration, or as later changed as provided in this ordinance.
- h. Engaging in the business or acting in the capacity of a contractor or advertising himself or herself or a business organization as available to engage in the business or act in the capacity of a contractor without being duly registered or certified or having a certificate of authority.
- i. The revocation or suspension of a certificate holder's registration with the Florida Construction Industry Licensing Board or of a certificate holder's Certificate of Competency from some other jurisdiction.
- j. Abandonment of a construction project in which the contractor is engaged or under contract as a contractor. A project is considered to be abandoned after ninety (90) days if the contractor terminates the project without just cause or proper notification to the prospective owner or fails to perform work without just cause for ninety (90) consecutive days.
- k. Aiding and abetting a homeowner or other building owner in obtaining a permit for the purpose of avoiding his responsibilities as a contractor and without advising the homeowner of the legal responsibilities he or she assumes on taking out a permit.
- l. Allowing his or her name, certificate, registration or license to be used by another contractor or any other person, either for the purpose of obtaining permits, or for doing business or work under his or her license.
- m. Being convicted of fraud, gross negligence, repeated negligence, negligence which results in significant danger to life and property, incompetency or misconduct in the practice of contracting.
- n. Violating and/or concealing information of violations of any provision of this ordinance.
- o. Committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Mismanagement or misconduct occurs when the contractor has abandoned a customer's job and the percentage of completion is less than the

percentage of the total contract price paid to the contractor at the time of abandonment, unless the contractor is entitled to retain such funds under the terms of the contract or refunds the excess funds within thirty (30) days after the date the job is abandoned.

- p. Failing in any material respect to comply with the provisions of this part or violating a rule or lawful order of the Board.
- q. Signing a statement with respect to a project or contract falsely indicating that the work is bonded; falsely indicating that payment has been made for all subcontracted work, labor, and materials which results in a financial loss to the owner, purchaser, or contractor; or falsely indicating that workers' compensation and public liability insurance are provided.
- r. Proceeding on any job without obtaining applicable permits and inspections.

For the purposes of this section, construction is considered commenced when the contract is executed and the contractor has accepted funds from the customer or lender.

For purposes of this section, a person or business organization operating on an inactive or suspended certificate, registration, or certificate of authority is not duly certified or registered and is considered unlicensed. A Business Tax Receipt issued under the authority of Chapter 205, Florida Statutes, is not a license for purposes of this part.

DIVISION 2. OKALOOSA COUNTY ELECTRICAL COMPETENCY BOARD

Section 2-1. Composition; Appointment of Members.

The Board of County Commissioners shall appoint ten (10) members to the Electrical Competency Board and fix their terms of office. The Board shall consist of ten (10) members, five (5) of whom shall be licensed Electrical Contractors, one (1) of whom shall be an Alarm Contractor, one (1) of whom shall be a Specialty Contractor, and three (3) who are consumer representatives. The Building Official shall be an ex officio member of the Board, but he or she shall have no vote.

Section 2-2. Qualifications for Appointment.

To be eligible for appointment to the Okaloosa County Electrical Competency Board, each member shall be actively engaged in the electrical contracting business and have been so engaged for a period of not less than five (5) consecutive years before the date of such appointment; and be a citizen and resident of Okaloosa County. The Board of County Commissioners may waive any of these requirements of qualification.

Section 2-3. Members' Terms.

Terms of members shall be staggered. New terms shall be set for three (3) year periods.

Section 2-4. Meetings; Removal of Members.

The Board shall meet once each month or as required. Special meetings of the Board may be held as needed. Six (6) members of the Board shall constitute a quorum. Unexcused absences for three (3)

consecutive meetings shall be deemed a voluntary resignation from the Board. Upon motion passed by two-thirds (2/3) of the membership of the Okaloosa County Competency Board, the Competency Board may recommend to the Board of County Commissioners the removal of any one of its members for cause. The cause for the recommendation shall be stated within the motion for removal.

Section 2-5. Officers.

The appointed members of the Okaloosa County Electrical Competency Board shall elect a chairman and vice-chairman. Minutes shall be kept of all hearings by the Board, and all hearings and proceedings shall be open to the public. The Department of Growth Management shall provide clerical and administrative personnel as may be reasonably required by the Board for the proper performance of its duties.

Section 2-6. Duties, Generally.

It shall be the duty of the Okaloosa County Electrical Competency Board to adopt bylaws governing its procedures to correspond with other county board procedures, to determine compliance with the qualifications and to authorize the issuance of Certificates of Competency on a permanent or probationary basis by the Department of Growth Management, to conduct hearings for discipline of Contractors holding Certificates of Competency, and to levy discipline against Contractors holding Certificates of Competency or take such other action as is authorized and deemed necessary for the public health, safety and welfare.

Section 2-7. Complaints

Any citizen who has knowledge of a violation of this ordinance or any other County ordinance may file a notarized Affidavit of Complaint using the form provided by the Department of Growth Management. The affidavit can be mailed, faxed, or hand delivered to the Department of Growth Management.

Complaints from citizens or a legitimate business shall be investigated upon notice in a form that includes legible name, signature, address or any other means where the complainant is identifiable. This is in lieu of the required notarized affidavit.

Investigations should be as a result of an identifiable complainant as prescribed above. Aesthetics alone shall not be a case where county officials shall act/enforce upon private property without a complaint. The County shall enforce violations in cases where health and safety are issues. The County shall provide the respondent with a copy of the alleged Complaint.

Upon receipt of a complaint of an interested party, or as a result of an investigation by a Code Enforcement Officer, each Okaloosa County Competency Board may conduct hearings on the question of whether a Certificate of Competency holder shall be disciplined. Three valid consumer complaints or three violations of County Ordinances related to Contracting within a twelve (12) month period shall constitute grounds for a mandatory Board hearing.

Any person, firm, corporation, or other business entity that violates any provision of this ordinance

shall be prosecuted and punished as provided by code.

Section 2-8. Probable Cause Hearings

A hearing shall be held only upon notice to the holder of the Certificate of Competency sought to be disciplined and the complainant. "Notice" shall be defined as written notice sent by certified mail to the last known address of the holder of the Certificate of Competency sought to be disciplined or hand delivered not less than thirty (30) days prior to a hearing.

The Board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. Formal rules of evidence shall not apply, but fundamental procedural due process shall be observed and shall govern the proceedings.

Each case before a Board shall be presented by a member of the administrative staff of the local governing body. If the local governing body prevails in proving probable cause before the Board, it shall proceed to a disciplinary proceeding.

Section 2-9. Disciplinary Proceedings.

A hearing shall be held only upon notice to the holder of the Certificate of Competency sought to be disciplined and the complainant. "Notice" shall be defined as written notice sent by certified mail to the last known address of the holder of the Certificate of Competency sought to be disciplined or hand delivered not less than thirty (30) days prior to a hearing.

The Board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. Formal rules of evidence shall not apply, but fundamental procedural due process shall be observed and shall govern the proceedings.

Each case before a Board shall be presented by a member of the administrative staff of the local governing body.

Each Board may take any of the following actions against any certificate holder or registrant found guilty of, but not limited to, any of the acts listed in Sections 1-7, 1-12, or 1-13 above: place on probation, reprimand, revoke, suspend, or deny the issuance or renewal of the certificate, registration, require financial restitution to a consumer for financial harm directly related to a violation of a provision of this part, impose an administrative fine not to exceed five thousand dollars (\$5,000) per violation, require continuing education, and/or assess costs associated with investigation and prosecution.

No suspension imposed by a Board shall be for a period exceeding one (1) year in duration. The effective period of revocation of a contractors Certificate of Competency shall be for a period of not less than one (1) year nor more than five (5) years, except as provided below. Any contractor whose Certificate of Competency has been revoked as provided for in this subsection, in order to gain reinstatement shall have to take the appropriate examination and meet all the same requirements as a person who is seeking to receive a Certificate of Competency for the first time.

When a Board is presented with a case or conduct constituting egregious circumstances whereby the Board is convinced that the safety of the public demands permanent revocation, then the Board may permanently revoke a contractor's Certificate of Competency by unanimous vote at a meeting with not less than four-fifths (4/5) of the Board membership in attendance.

If a certificate holder disciplined under this section is a qualifying agent or financially responsible officer for a business organization and the violation was performed in connection with a construction project undertaken by that business organization, a Board may impose an additional administrative fine not to exceed five thousand dollars (\$5,000) per violation against the business organization or against any partner, officer, director, trustee, or member if such person participated in the violation or knew or should have known of the violation and failed to take reasonable corrective action.

A Board shall not reinstate the certificate of, or cause a certificate to be issued to, a person who or business organization which a Board has determined is unqualified or whose certificate a Board has suspended until it is satisfied that such person has complied with all the terms and conditions set forth in the final order of suspension and is capable of competently engaging in the business of contracting.

Each Board may assess a penalty on all fines imposed under this section against any person or business organization that has not paid the imposed fine by the due date established by rule or final order. Each Board will establish the penalty.

A Board shall not issue or renew a certificate or registration to any person or business organization that has been assessed a fine, interest, or costs associated with investigation and prosecution, or has been ordered to pay restitution, until such fine, interest, or costs associated with investigation and prosecution or restitution are paid in full or until all terms and conditions of the final order have been satisfied.

If a Board finds any certificate holder guilty of a violation, each Board may, as part of its disciplinary action, require such certificate holder to obtain continuing education in the areas of contracting affected by such violation.

If a business organization or any of its partners, officers, directors, trustees, or members is or has previously been fined for violating this ordinance or section 489.132, Florida Statutes., each Board may, on that basis alone, revoke, suspend, place on probation, or deny issuance of a certificate or registration to a qualifying agent or financially responsible officer of that business organization.

Any person aggrieved by any decision or action of a County Contractor Competency Board may petition for writ of certiorari filed in the Okaloosa County Circuit Court within sixty (60) days of the entry of the order to be appealed. Such an appeal shall not be a hearing de novo but shall be

limited to appellate review of the record created before the Board.

In addition to any action taken on the individual's local license, the Board shall issue a recommended penalty to be imposed by the State Construction Industry Licensing Board. This recommended penalty may include a recommendation for no further action or a recommendation for suspension, revocation, or restriction of the registration or imposition of a fine to be levied by the State Board, or a combination thereof. The Board shall inform the license holder or registrant and the complainant of the local penalty imposed, the rights to appeal, and the consequences should the contractor decide not to appeal. The Board shall, upon reaching adjudication or having accepted a plea of nolo contendere, immediately inform the State Board of its action.

DIVISION 3. CERTIFICATE OF COMPETENCY

Section 3-1. Certificate of Competency.

No person other than a state certified electrical contractor as defined by section 489.505, Florida Statutes, shall engage, directly or indirectly, in the business of or act in the capacity of a contractor within Okaloosa County unless such person is the holder of a Certificate of Competency issued by the County in the particular field of work being performed. Each Certificate of Competency, when issued, shall grant the holder the right to secure permits in the particular field for which the Certificate of Competency was issued, providing the holder has purchased the required County license, is in good standing with the Department and has the required insurance.

Section 3-2. Fields of Competence.

Certificates of competency shall be issued to qualified applicants in the following fields of expertise or competence:

- a. Electrical Contractor.
- b. Alarm System Contractor I.
- c. Alarm System Contractor II.
- d. Residential Alarm System Contractor.
- e. Specialty Electrical Contractors.
 1. Lighting Maintenance Specialty Electrical Contractor.
 2. Limited Energy Systems Specialty Contractor.
 3. Residential Electrical Contractor.
 4. Sign Specialty Electrical Contractor.
 5. Utility Line Electrical Contractor

Section 3-3. Eligibility, Licensure by Examination.

A completed application package for examination must be filed at least two weeks prior to the appropriate regularly scheduled County Electrical Competency Board meeting for which the applicant seeks to be included on the agenda. The Board shall review the application to determine the applicant's eligibility for examination. The examination shall cover knowledge of basic principles of contracting in the field for which the applicant is applying and basic principles for

business and law.

To be eligible for certification by examination, the applicant must meet the following criteria, through information and documentation supplied with the application, and prior to taking the exam.

- a. The applicant shall provide a credit report from a Department of Business and Professional Regulation approved credit-reporting agency, demonstrating evidence of financial responsibility, as required by Rule 61G6-5.003 (2) (a) (b) F.A.C.
- b. The applicant shall have no outstanding judgments or have been convicted of a felony. This requirement may be waived by the Board on a case by case basis with appropriate documentation.
- c. The applicant must be at least twenty two (22) years of age and must meet the relevant experience requirements for the field in which he or she seeks to obtain a certification, as provided below. For the purposes of experience requirements, one (1) year of experience shall be equivalent to a minimum of 2,000 person-hours.

An applicant shall meet one of the following, as relevant to his or her chosen field:

- a. Has, within the six (6) years preceding the filing of the application, at least three (3) years of proven management experience in the trade or education equivalent thereto, or a combination thereof, but not more than one-half (1/2) of such experience may be educational equivalent;
- b. Has, within the eight (8) years immediately preceding the filing of the application, at least four (4) years experience as a foreman, supervisor or contractor in the trade for which he or she is making application;
- c. Has, within the twelve (12) years immediately preceding the filing of the application, at least six (6) years of comprehensive training, technical education, or supervisory experience associated with an electrical or alarm system contracting business, or at least six (6) years of technical experience in electrical or alarm system work with the Armed Forces or a governmental entity;
- d. Has, within the twelve (12) years immediately preceding the filing of the application, been licensed for three (3) years as a professional engineer who is qualified by education, training or experience to practice electrical engineering; or
- e. Has any combination of qualifications under sub-paragraphs a. - c. totaling six (6) years of experience.
- f. For purposes of this subsection "supervisory" means a person having the experience gained while having the general duty of overseeing the technical duties of the trade, provided that such experience is gained by a person who is able to perform the technical duties of the trade

without supervision.

- g. For the purposes of this subsection, at least forty (40) percent of the work experience for an alarm system contractor must be in types of fire alarm systems typically used in a commercial setting.
- h. Every applicant who is qualified shall be allowed to take the examination three (3) times, notwithstanding the number of times the applicant has previously failed the examination. If an applicant fails the examination three (3) times, the Board shall require the applicant to complete additional college-level or technical education courses in the area of deficiency, as determined by the Board, as a condition of future eligibility to take the examination. The applicant must also submit a new application that meets all registration requirements at the time of its submission and must pay all appropriate fees.

The following information and documents relative to the experience requirements are required in order to process an application. These documents and the requested information are Board approved and cannot be substituted.

1. Past employment must be listed in chronological order, starting with most current employment, and must include a detailed job description.
2. An Experience Affidavit form confirming employment must be completed using an Okaloosa County Verification of Experience Form. An Out of State experience affidavit must be supplemented by verification on the company letterhead of applicant's employer. Explanations must include a timeframe and a description of work duties and functions. A DD214 military form with supporting documentation may be used as proof of experience.

From the date of Board approval, an applicant shall have one (1) calendar year to have taken and scored a grade of at least seventy-five percent (75%) or above on the Standard Business and Law Practice Exam and on an examination in the particular field for which the application is being made; to be prepared, proctored and graded by the approved testing agency. When the passing score is achieved the applicant shall proceed with application for State licensure. Upon receipt of a State license the applicant shall provide to the Department of Growth Management, the State License, Business Tax Receipt, proof of general liability insurance, worker's compensation exemption/insurance and a hold harmless agreement to obtain a Certificate of Competency. The Department shall issue the Certificate of Competency when the above mentioned documentation is provided and all fees are paid in full.

If an applicant fails to take the exam within the one (1) calendar year after Board approval, then the applicant will be required to reapply to the Board for re-approval.

Applicants who have taken and failed the exam six (6) months prior to the effective date of this ordinance, will be allowed an additional six (6) months after the effective date of this ordinance to

continue to take the exam without prior Board approval.

Section 3-4. Eligibility; Certification by Reciprocity.

An applicant who is licensed through another county or municipality shall apply as a reciprocal applicant according to the procedures set forth in this section. The applicant shall not be required to test again, but shall be required to complete the Reciprocity procedures below.

Reciprocity procedures are as follows:

- a. The Department of Growth Management must have a letter on file from the reciprocating municipality or county stating acceptance of reciprocity with Okaloosa County. The correspondence must be on letterhead stationary and state the passing score(s) required by the reciprocating county.
- b. The individual must request that a letter be sent from the reciprocating county and the test agency to the Okaloosa County Department of Growth Management, including the following information:
 - 1. Applicant number.
 - 2. Applicant test score.
 - 3. Date of exam.
 - 4. Type of exam.
 - 5. State: "The exam was prepared, proctored, and graded by the approved testing organization."
- c. Test score requirements will be the same as for the reciprocating county, but in no case, will less than a minimum of a seventy-five percent (75%) score be accepted.

The applicant shall provide to the Department of Growth Management, the State License, Business Tax Receipt, proof of general liability insurance, worker's compensation exemption insurance and a hold harmless agreement to obtain a Certificate of Competency. The Department shall issue the Certificate of Competency when the above mentioned documentation is provided and all fees are paid in full.

A reciprocal license holder whose license has been revoked in the reciprocating jurisdiction shall be automatically revoked in Okaloosa County. The effective period of revocation of a contractor's Certificate of Competency shall be for a period of not less than one (1) year nor more than five (5) years or per the reciprocating jurisdiction's Board Order. Any contractor whose Certificate of Competency has been revoked, in order to gain reinstatement, shall have to take the appropriate examination and meet all the same requirements as a new applicant.

A reciprocal license holder whose license has been suspended in the reciprocating jurisdiction shall

be automatically suspended in Okaloosa County. The effective period of the suspension shall be for a period not exceeding one (1) year or per the reciprocating jurisdiction's Board Order. Any contractor whose Certificate of Competency has been suspended, in order to gain reinstatement shall have to appear before the appropriate competency board prior to reinstatement.

Section 3-5. Liability Insurance.

All contractors shall execute a hold harmless agreement and, in addition, shall furnish proof as required by the Okaloosa County Department of Growth Management that the following has been complied with:

That the applicant has a prepaid public liability insurance policy for the ensuing year with a responsible insurance company authorized to do business in Florida in the minimum amounts of (including completed operations and products): one hundred thousand dollars (\$100,000) per person; three hundred thousand dollars (\$300,000) per occurrence, and property damage (including completed operations and products): five hundred thousand dollars (\$500,000), or a minimum combined single limit policy of eight hundred thousand dollars (\$800,000). The policy shall name the Okaloosa County Department of Growth Management as an additional insured by endorsement (Insurance Services Office Form GL 2012 or equivalent) and shall provide for at least a ten (10) day notice of cancellation to the Okaloosa County Department of Growth Management. If at any time the liability policy becomes canceled or terminated, the certificate issued in reliance thereon shall be voided.

Section 3-6. Issuance of Certificate to Individual or Business.

When an individual proposes to qualify to do a business in his or her own name, or a fictitious name where the individual is doing business as a sole proprietorship, the certification, when granted, shall be issued only to that qualifying individual, in his name.

If an applicant proposes to qualify to engage in contracting as a partnership, corporation, business trust or other legal entity, the applicant shall state the name of the agent, and the partnership and its partners; the name of the corporation and its officers and directors; the name of the business trust and its trustees; or the name of the other legal entity and its members, and must furnish evidence of statutory compliance if a fictitious name is used, as well as copies of the legal incorporation or partnership documents. The applicant shall be active in, and legally empowered to act for, the business organization in all matters connected with its contracting business; and have authority to supervise construction undertaken by the business organization. The certification, when issued, shall be in the name of the individual and the name of the business organization.

If any individual qualifying a business organization ceases to be affiliated with the business organization, he or she shall inform the Department within ten (10) days. In addition, if the individual is the only certified individual affiliated with the business organization, the business organization shall notify the Department of the individual's termination, within ten (10) days, and shall have sixty (60) days from the termination of the qualifying individual's affiliation with the business organization in which to affiliate with another person certified under the provisions of this

ordinance. Failing this, the qualification of the business organization shall be voided.

The qualifying individual shall also inform the Department in writing when he proposes to engage in contracting in his or her own name or in affiliation with another business organization; and the new business organization shall supply the same information to the Department as required for applicants under this section.

Section 3-7. Expiration, Renewal and Retired Certificates.

- a. Certificates shall expire annually at midnight on the last day of the birth month of the certificate holder. At renewal, the certificate holder upon request, may be issued a two (2) year license that will expire in the same manner except every other year.
- b. Failure to renew the certificate prior to time and date shall cause the certificate to expire and it is unlawful thereafter for any person to engage or offer to engage or hold him or herself out as engaging in contracting under the certificate unless the certificate is restored or reissued.
- c. A certificate which has expired because of failure to renew may be restored during the two (2) year period immediately following its expiration. The fee for restoration during the three (3) month period immediately following the expiration of the certificate shall be the same as the fee for renewal. The fee for restoration during the nine (9) months thereafter shall be equal to the original annual renewal fee and a penalty fee of \$100.00. The fee for restoration during the twelve (12) months thereafter shall be equal to the original annual renewal fees for the two (2) years, plus a penalty fee of \$200.00. Any person failing to renew an active certificate or obtain an inactive certificate for two (2) years subsequent to the expiration of the certificate shall be required to reapply for a certificate in the same manner as a new applicant and be required to apply to the board and pass the required test with a score of seventy-five percent (75%) or above.
- d. A person who holds a valid Certificate of Competency may go on Retired status during which time he or she shall not engage in contracting but may retain his or her certificate on a retired basis upon payment of an annual renewal fee as set forth. Additionally, he or she must maintain a current active or current inactive registration (except for locally specialty contractors.)
- e. A retired certificate may be activated at any time by payment of the total annual renewal fee for an active certificate, and the active certificate shall expire at midnight on the last day of the birth month of the applicant following the date of activation. To receive an active certificate, the certificate holder shall provide the department the state license, business tax receipt, proof of general liability insurance, workers' compensation exemption/insurance and a hold harmless agreement.

- f. An individual may hold an inactive certificate for no longer than two (2) consecutive years. An inactive certificate is defined as a license not renewed in the two (2) year period as stated above. Any person failing to renew an active certificate or obtain an inactive certificate for two (2) years subsequent to the expiration of the certificate shall be required to reapply for a certificate in the same manner as a new applicant, and be required to apply to the board and pass the required test with a score of seventy-five percent (75%) or above.
- g. The Board may give special consideration in purged license cases concerning family illness and military deployment.

Section 3-8. Fees.

Application, testing, renewal and administrative fees. The fee to initiate an application for the County Competency Board approval for a Certificate of Competency shall be twenty-five dollars (\$25.00). Additionally, testing and reciprocity fees shall be as follows:

- | | | |
|----|---|---------|
| a. | Trade Exam with Business and Law* | \$50.00 |
| b. | Business and Law Exam | \$50.00 |
| c. | Examination Retake | \$50.00 |
| d. | Reciprocal Letters (each municipality and county) | \$25.00 |

*If Business & Law Exam and Trade Exam are taken together, fee charged is for one exam only.

Annual renewal and administrative fees. The annual renewal fee for a Certificate of Competency shall be as follows:

- | | | |
|----|--|----------------------|
| a. | All Contractors | \$100.00 |
| b. | Retired | \$ 75.00 |
| c. | Late Fee (excluding State Certified) | \$100.00 or \$200.00 |
| d. | Change of Status (excluding State Certified) | \$100.00 |
| e. | State Certified Administrative Fee | \$ 35.00 |
| f. | Staff Assistance with State License Package
(new applicants only) | \$ 35.00 |

Section 3-9. Emergency Registration Upon the Death of Contractor.

If an incomplete contract exists at the time of death of a contractor, the contract may be completed by any person even though not certified or registered. The person shall notify the Department within thirty (30) days after the death of the contractor, of his or her name and address, knowledge of the contract, and ability to complete it. If the Board approves, he or she may proceed with the contract. The Board shall then issue an emergency registration which shall expire upon the completion of the contract. For purposes of this section, and upon written approval of the Board, an incomplete contract may be one which has been awarded to, or entered into, by the contractor before his or her death, or one on which he or she was the low bidder and the contract is subsequently awarded to him or her, regardless of whether any actual work has commenced under the contract before the contractor's death.

Section 3-10. Existing Retired Certificates.

Upon expiration of your five (5) year retirement Certificate of Competency, in order to continue in a retirement status, you must meet the current requirements of this ordinance.

Section 3-11. Undeclared Exam Applicants.

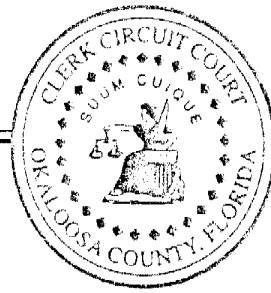
Applicants must declare "active" status in Okaloosa County within twelve (12) months from date of notification. If active status is not declared within one (1) year from the date of the original notice, applicant must appear before the Board for approval to retake the examination.

Section 3-12. Effective Date.

This ordinance shall be effective upon becoming law, and shall repeal all ordinances or provisions in conflict herewith.

DON W. HOWARD

CLERK OF THE CIRCUIT COURT, OKALOOSA COUNTY, FLORIDA



September 14, 2007

Mrs. Liz Cloud, Program Administrator
Division of Library and Information Services
R. A. Gray Building
500 South Bronough Street, Room 101
Tallahassee, FL 32399-0250

Dear Mrs. Cloud:

Please find enclosed certified copies of Ordinance Numbers 07-41 through 07-52 to be placed on file in your office. The Okaloosa County Board of County Commissioners adopted these ordinances on September 4, 2007.

Thank you for your assistance.
Sincerely,

DON W. HOWARD
CLERK OF CIRCUIT COURT

Teresa Ward
Deputy Clerk

Enclosure

Certified Mail #7160 3901 9849 4730 2032

REPLY TO:

- 101 E. JAMES LEE BLVD. • P.O. DRAWER 1359 • CRESTVIEW, FLORIDA 32536-1359 • (850) 689-5800 • SUNCOM 698-5800
- SHALIMAR ANNEX • 1250 N. EGLIN PARKWAY • SHALIMAR, FLORIDA 32579 • (850) 651-7200 • SUNCOM 699-7200