

Florida Department of Business Professional Regulation



A Publication from the **ELECTRICAL CONTRACTORS' LICENSING BOARD**

SUMMER 2008



FLORIDA DEPARTMENT OF BUSINESS
AND PROFESSIONAL REGULATION

CHARLIE CRIST
Governor

CHUCK DRAGO
Interim Secretary

1940 North Monroe Street
Tallahassee, Florida 32399

Customer Contact Center: 850.487.1395

www.MyFloridaLicense.com

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Certified Electrical Contractors

Robert Bramlett, Ocala

Brian Flaherty, Palm Harbor

Reagan Huff, Crestview

Roger E. Langer, Miami

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Apopka

Certified Alarm Contractors

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Noel Thomas, Keystone Heights

BOARD STAFF

Anthony B. Spivey, Executive Director
Ruthanne Christie, Government Analyst
Monique Ewell, Administrative Assistant

Board Counsel

Michael Flury, Assistant Attorney General

MESSAGE FROM THE INTERIM SECRETARY Chuck Drago

Dear Friend:

It has been a distinct pleasure serving you as the Interim Secretary of the Department of Business and Professional Regulation since February of this year. In my time at the Department, both as the Interim Secretary and Deputy Secretary of Business Regulation, I have participated in great changes that have resulted in enhanced customer service.

We've made tremendous progress over the past year, and I'm dedicated to maintaining this momentum. We know that serving you is the first step to providing great service to the people of Florida. That's why we've focused on changes that improve customer service, streamline processes, open communications with licensees and the public, and lead to better business practices.

One of the most crucial adjustments to business practices at the Department was the implementation of the Document Imaging System. The project is in its final phases, and it ultimately provides for a more streamlined and centralized application process that results in faster licensing and better service for you. I thank Governor Charlie Crist and the Legislature for providing \$2.5 million to complete this project in Fiscal Year 2008/2009, which helps take care of businesses and professionals throughout Florida.

Our quest to improve customer service is never over. In an effort to reach our licensees who are located throughout the state, I'm taking our business on the road in the "On the Road to Better Business" tour this summer. This tour will provide the opportunity for you to meet with me and my staff to ask questions and provide input and suggestions. I will hold office hours for customers to come and meet with me at a Department office in their communities. Please look forward to more information to come.

I continue to uphold our mission to "License Efficiently. Regulate Fairly." I understand and value that licensees have unique insight into how we do business and ways we can build upon existing practices, and I look forward to hearing your feedback.

Thank you for all that you do for the people and economy of our great state.

Sincerely,

Chuck Drago
Interim Secretary



New Standards of Practice Placed on Electrical and Alarm Contractors

Last time, I discussed what was necessary to successfully run and manage a business, which included a good business plan, good credit, and a competitive product or service. An additional attribute that I discussed is foresight.

Having foresight involves being able to deal with the changes that come along with managing a business. Some internal changes are brought about by the owner while external changes are induced by the environment in which the business interacts. One such change the Electrical Contractors' Licensing Board recently introduced was to require that all electrical and alarm contractors obtain documentation from subcontractors to substantiate that they are certified or registered with the State of Florida. Contracting with an unlicensed individual may subject you to charges of aiding and abetting unlicensed activity. This new requirement is designed to protect your license, your business, and your customers.

Another change in procedure recently introduced by the Board is related to the current application requirement to provide proof of workers' compensation insurance or an appropriate exemption in accordance with provisions listed in Chapter 440, Florida Statutes. The new change requires that applicants attest to having the insurance or the exemption. This procedure will allow the applicant to start their operations much sooner than under the previous policy. But beware - while the new procedure will allow an applicant to attest to having either of the two, you are subject to a random audit by one of our investigators to show actual proof of coverage or an exemption.

These two new changes are currently pending rulemaking. Keep posted to our Web site, www.MyFloridaLicense.com, for further information and effective dates. Until next time...

Anthony B. Spivey, M.S., Executive Director
Electrical Contractor's Licensing Board

UPCOMING BOARD MEETINGS

September 24-26, 2008

November 19-21, 2008

January 21-23, 2009

March 18-20, 2009

May 20-22, 2009

All Board meeting dates and locations are subject to change. Please refer to the [Board Calendar](#) on our Web site, www.MyFloridaLicense.com, to confirm meeting dates and locations.

BOARD APPOINTMENTS

Are you interested in serving on a professional board or council?

Interested applicants may obtain a Gubernatorial Questionnaire by downloading the application from http://www.flgov.com/pdfs/appoint_questionnaire.pdf. Once your application is complete, return the questionnaire for consideration to:

Governor's Appointments' Office
PL01 The Capitol
Tallahassee, Florida, 32399-0001

Tips for Applying For Additional Businesses

Be sure to include the following items with your application:

- A credit report on the company from one of the agencies on this list http://www.state.fl.us/dbpr/pro/cilb/agencies_credit.pdf
- An original notarized letter from your bank, on bank letterhead, verifying the applicant's authority to sign checks on the business account or from the Chief Financial Officer of the business stating the applicant has the authority to approve checks, payments drafts and contracts on behalf of the business organization.
- Certificate of Status from the Florida Secretary of State for a corporation, partnership or fictitious name - the phone number for the Florida Secretary of State, Division of Corporations, is 850-488-9000.
- If the licensee is not an officer, you must submit an original letter of supervisory status from the President of the company stating the licensee has the authority to approve all electrical work performed by the business.

YOU WILL BE NOTIFIED TO APPEAR AT A BOARD MEETING BEFORE YOUR APPLICATION WILL BE APPROVED

Once your application is found to be complete you will be required to submit the following items before final approval and issuance of the license:

These items are not required until after your application is found to be complete, however you may submit them prior.

- Additional Fee of \$255
- Submit certificate of insurance for Workers' Compensation Coverage or an original notarized letter from the licensee stating he/she will obtain the workers compensation exemption within 30 days of issuance of the license **(Please contact the Division of Workers' Compensation to verify you are eligible for the exemption, the phone number is (850) 413-1601). Note: pending rulemaking will change this policy.**
- Submit certificate of liability insurance.

Additional Business Qualification F.A.Q's

1. **Q: What is an Additional Business Qualification?**
A: It is approval from the Board to perform electrical contracting under an additional business name.

2. **Q: Is it another license?**
A: No, you only have **one** (1) license from the Electrical Board, which is the first license you were given. This is only authorization from the Board to perform contracting under another business name.

3. **Q: What will I use to pull permits for the additional business?**
A: You will receive an additional business qualification document from the Department of Business and Professional Regulation – it has the same appearance as your original license but will have a different number.

4. **Q: Can I transfer my additional business qualification?**
A: No, your additional business qualification should go null and void once you stop qualifying the additional business or when the additional business changes its name.

5. **Q: What should I do if I no longer qualify the additional business?**
A: You should notify the Board as soon as you stop qualifying the additional business, mail back the additional business qualification document and wallet card and request the qualification be set to null and void.

6. **Q: Can I let my primary license (the first one issued) go inactive, delinquent or null and void?**
A: No, you must keep your primary license current and active for your additional business qualification(s) to be valid.

7. **Q: What happens if I let my primary license go inactive, delinquent or null and void and continue to work with my current additional business?**
A: You can be disciplined by the Board for contracting on an inactive or delinquent license or for contracting without a license.

8. **Q: What if I stop qualifying the company associated with my primary license?**
A: Then you must submit a transfer application to have your additional business transferred to your primary license.

9. **Q: What if my primary license is suspended or revoked?**
A: Then all additional business qualifications are also suspended or revoked.

ELECTRICAL EXAMINATION APPLICATION TIPS

APPLICANT JOB LIST

- Give as much technical detail as possible about each of the jobs you list. Choose jobs that best represent your qualifications for the category you are applying for.
- List the name of the electrical contractor you worked for as contractor who pulled permit.
- If general contractor's name is unknown or not applicable, you may leave it blank.

Unlimited Electrical Contractor Applicants

- The 40 percent experience requirement is that 40 percent of the work you did during each year you are listing for experience must be 3 phase. Since you only list 5 jobs per year, you should list all of your 3 phase jobs first. 40 percent of one year is 5 months of 3 phase experience.
- Put as much detail as possible in the job descriptions; this helps the Board make their determination.
- Indicate which jobs were 3 phase.

Alarm Contractor I Applicants

- The 40 percent experience requirement is that 40 percent of the work you did during each year you are listing for experience must be in commercial fire alarm systems.

Alarm Contractor II Applicants

- The 40 percent experience requirement is that 40 percent of the work you did during each year you are listing for experience must be in alarm systems other than fire.

Limited Energy Specialty Applicants

- List the name of the business you worked for as "contractor who pulled permit" even if no permit was required for the work.
- Leave general contractor's name blank.
- Put as much detail as possible in the job descriptions.

EMPLOYMENT VERIFICATION

- The Employment Verification form is required in addition to copies of your W2 forms, and it must be signed by the owner or supervisor of the company you worked for.
- If you do not have copies of your W2 forms you can contact the IRS at 1.800.829.1040 to get them.
- If you are self-employed, provide three notarized letters on business letterhead from contractors or building officials who are familiar with your work experience. You must also submit W2s, or the equivalent, based on how you were compensated.

PERSONAL FINANCIAL STATEMENT

- Only needs to show a positive net worth (there is no specific money amount required)
- Total liabilities plus net worth should equal total assets

CREDIT REPORT

- Obtain a credit report on the company from one of the agencies on this list:
http://www.myflorida.com/dbpr/pro/cilb/documents/agencies_credit.pdf
- Provide a written explanation of all collections or liens, show proof that they have been satisfied.

What Every Florida Employer Should Know about Workers' Compensation

From the Florida Department of Financial Services
 Alex Sink, Chief Financial Officer

Coverage Requirements

- **Construction industry:** If you employ one or more employees, including yourself, you are required to secure workers' compensation coverage.

Non-construction industry: Coverage is required if you employ four or more employees.

- Corporate officers and members of a limited liability company engaged in the construction industry can file for a workers' compensation exemption. To apply for an exemption, log on to www.fldfs.com/WC/ and then click on "Online Exemption Application".
- Employers must post a notice for employees in a conspicuous place with the name of the employer's insurance company, expiration date of coverage and an anti-fraud statement. To assist employers, complimentary notices can be obtained through the following link: <http://www.fldfs.com/WC/pdf/BrokenArmPoster.pdf>

Employer Compliance and Penalties for Failure to Secure Coverage

- Under Florida law, the Division of Workers' Compensation has the authority to enter and inspect any place of business at any time to request, copy and examine business records, and issue stop-work orders.
- A stop-work order may be issued for one or more of the following reasons: failure to secure workers' compensation coverage; materially understating or concealing payroll; materially misrepresenting or concealing employee duties to avoid proper classification for premium calculations; materially misrepresenting or concealing information for the computation and application of an experience modification factor; and failure to produce required business records within five days. A penalty will also be assessed against the employer. The penalty is 1.5 times the amount the employer would have paid in workers' compensation premium for the preceding three years.
- A stop-work order remains in effect until the employer has complied with coverage requirements and paid any assessed penalties in full or entered into a periodic payment agreement with the Division.

Ways to Reduce Your Workers' Compensation Premium

- The **Florida Contracting Classification Premium Adjustment Program** provides a premium credit to an employer that has a policy containing one or more contracting classifications and pays a certain average

hourly wage. The premium credit increases as the hourly wage increases. For more information, contact the Customer Service Center of the National Council on Compensation Insurance (NCCI) at 1-800-622-4123 or your insurance agent.

- The **Drug-Free Workplace Premium Credit Program** provides a 5 percent premium credit for an employer who has certified that it has established a drug-free workplace in accordance with rules as established by the Agency for Health Care Administration. The certification is subject to physical verification by the carrier and the employer has to re-apply every year. For more information, contact your insurance carrier or insurance agent.
- The **Employer Safety Premium Credit Program** provides a 2 percent premium credit for an employer who has certified that it has established a safety program in accordance with Section 440.1025, Florida Statutes. The certification is subject to physical verification by the insurer and/or the Division of Workers' Compensation and the employer has to re-apply every year. For more information, contact your insurance carrier or insurance agent.

Online Databases

The following databases may be of assistance to many employers. They can be accessed via the Division's Web site at <http://www.fldfs.com/WC/> and by clicking on "Databases."

- The **Proof of Coverage Database** allows a user to access and view coverage and exemption information for an employer.
- The **Construction Policy Tracking Database** allows contractors to track and monitor changes to their subcontractors' policies. After registering, a contractor will receive automatic e-mails from the Division regarding the issuance, cancellation, or reinstatement of the policies for any subcontractors selected to be tracked.
- The **Compliance Stop-Work Order Database** contains information on employers who have received a stop-work order based upon a determination that an employer has failed to secure the payment of workers' compensation. The database includes the following information for each stop-work order: the employer's name, the date of the stop-work order, the reason the stop-work order was issued to the employer, and the release date of the stop-work order.

For more information, call the Division of Workers' Compensation customer service center at (850) 413-1601.

ATTENTION

All Electrical Exam Candidates

The Electrical Board recently adopted a rule which makes passing exam scores good for 2 years.

This means once you pass either part of the test (Technical/ Safety or Business) you will have to pass the other part of the exam and apply for your license within 2 years of the day you passed the first part.

If you are not ready to open a business and you passed both parts of the exam, you should apply for an inactive license. This will allow you to activate your license whenever you are ready to open a business.

BUSINESS STATUS CHANGES

To change your license status from an individual or a sole proprietorship to a corporation or limited liability company (LLC) or fictitious entity, you must submit a transfer application. Transfer applications are accessible online at www.MyFloridaLicense.com > *Professions and Professional Boards* > *Electrical Contractors* > *Application Packages and Individual Forms*. For assistance with the application, please contact the Department's Customer Contact Center at 850.487.1395.

Additionally, when a qualifying agent ceases to qualify a business, the qualifying agent **must**:

- transfer the license to another business, OR qualify himself or herself as an individual, OR
- place the license in an inactive status within 60 days after termination of the qualifying status with the business.

If your employment has been terminated by the business organization, the firm cannot conduct business until another qualifier is identified or unless another qualifier is already present and registered with this Department. See section 489.522, Florida Statutes, for a more detailed description of these requirements.

The State of Florida Partners with Google

The Department of Business and Professional Regulation's Web site provides information to the public about licensees. Consumers turn to the Department for information about professionals, and many look to the Web site for information about results of restaurant inspections. Although the Web site has tremendously useful information for consumers, it has not always been easy for consumers to find the information.

On December 3, 2007, Governor Crist announced an important partnership between the state of Florida and Google. Google has been helping DBPR and several other agencies catalog the information on their Web sites in order to make them more user-friendly.

The partnership between Google and Florida developed as officials from both entities recognized that the public is increasingly turning to search engines to access government services. However, a significant share of information on state agency Web sites could not be found using standard search engines because the information was stored behind a database, hindering citizens from easily finding online state government services. Now, with improved technology, search engines will access and index the records in online databases, making them available to anyone using a search engine.

Under the old system, if a consumer went to Google, Yahoo or MSN to search for a contractor using the name and location, the search results would not include information from the Department's Web site. While that search might return many results from the search engine,



"This public-private partnership is an innovative way to improve the accessibility of state information for all Floridians. I am grateful for this chance to join with Google to further develop Florida's leadership in delivering open government services to the people of Florida. By empowering Floridians with the tools they need for easier access to state agency Web sites, we are allowing them to truly take ownership of state government."

—Governor Charlie Crist

useful information from the Department would not be included even though meaningful information on the contractor exists.

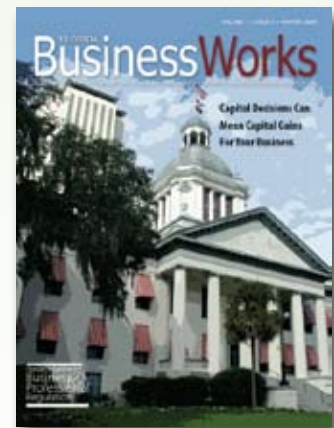
Under the new improved system, DBPR is working with Google to develop sitemaps that will allow search engines to more intelligently mine data from our Web site. Sitemaps are essentially spreadsheets for the Web site that prioritize the information on the DBPR Web site for the search engines. The Department is busy putting hundreds of thousands of records into sitemaps to make the information more useful.

Subscribe to DBPR Newsletters

You can now subscribe on-line at www.MyFloridaLicense.com to receive your profession's newsletter as well as other Department publications via e-mail. Subscribing is quick and easy.

1. Go to <http://www.MyFloridaLicense.com>
2. Click on **"Subscribe to Department Newsletters"** located under The Bottom Line.
3. Type in your name and e-mail.
4. Choose which newsletters or publications you would like to receive via e-mail.
5. Click **"Subscribe."**

When the newsletters you have subscribed to are available, you will receive an e-mail from the Department with a link to your newsletter.



REPORT UNLICENSED ACTIVITY

To report unlicensed activity, please call the Department's **UNLICENSED ACTIVITY HOTLINE** at **1.866.532.1440**, Monday–Friday, 8 a.m. to 6 p.m. (Eastern Time) or e-mail the information to ULA@dbpr.state.fl.us.

DISCIPLINARY ACTIONS

The Board has taken disciplinary action against the following licensees. Although we make every effort to ensure information is correct before making any specific decision based on this information, you may choose to request a copy of the administrative complaint and final order to ensure accuracy. Contact the department's Agency Clerk at sarah.wachman@dbpr.state.fl.us for this information. The listing of disciplinary actions does not reflect pending appeals or requests for rehearing.

Albert C. Bryant

License Number: ER 12533
Case Number: 2006-064106
489.533(1)(m)2, F.S. - financial mismanagement or misconduct.
\$20,000 fine, \$192.67 costs and revocation of licensure.

Wayne Prophitt

License Number: EC 13002775
Case Number: 2006-006456
489.533(1)(r), F.S. - failing to obtain applicable permits and inspections.
\$500 fine and \$105.30 costs.

Steve O. Miller

Boca Raton, FL 33498
License Number: EC 13002249
Case Number: 2007-040339
489.533(1)(j), F.S. - aiding and abetting an unlicensed contractor.
\$1000 fine and \$187.84 costs.

Terrence Price

License Number: ER15129
Case Number: 2006-15354
489.533(1)(o), F.S. - failure to continually maintain workers' compensation.
\$500 fine and \$139.10 costs.

Santiago Hernandez

License Number: EC 13003264
Case Number: 2006-039242
489.533(1)(j), F.S. - aiding and abetting an unlicensed contractor.
\$1500 fine and \$209.96 costs.

Gregory O. Langston

License Number: EC 834
Case Number: 2006-052641
489.533(1)(m), F.S. - committing financial mismanagement.
Inactivation of the respondent's license, proof of satisfaction of the civil judgment and appearance before the Board prior to reactivation.

Moises Soler

Spring Hill, FL 34606
Case Number: 2007-009312
489.531(1)(f), F.S. - knowingly presenting a fraudulently issued competency card to the Department in order to obtain a Registration.
\$50,000 fine, \$128.34 costs and revocation of licensure.