

**MINUTES FROM THE
MARCH 17-18, 2004
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING**

**Embassy Suites Boca Raton
661 N. W. 53rd Street
Boca Raton, FL 33487**

The Board Meeting was called to order by Chairperson Clarence Tibbs at 9:00 a.m.

PLEDGE OF ALLEGIANCE AND INVOCATION – Mr. Sandefer.

ROLL CALL- Members Present

Arnaldo L. Abreu
Pierre Bellemare
Jeffrey M. Kiner, Vice-Chairperson
Roger E. Langer
Norman Mugford
Michele M. Poole
Lewis Roberts
Paul Sandefer
Rae Small
Clarence Tibbs, Chairperson

Members Absent

Kimberly A. DeBerry

OTHERS PRESENT

Jerry Wilson, Deputy Division Director
John T. Knap, Executive Director
Gregory Spence, Government Analyst
Mary Ellen Clark, Assistant Attorney General
Gail Scott-Hill, Chief Attorney, Professions
Janice Tierney, Court Reporter, Official Reporting
See Attachment 1 for others present.

DISCIPLINARY CASES – Gail Scott-Hill, Chief Attorney

**Alan Begley
Begley Electrical, Inc.
647 34th Avenue N.
St. Petersburg, FL 33704
Case No.: 2003-070146
License Number ER 0015290
Recused: None – Adoption of Local Discipline**

On May 20, 2003, at an informal hearing held in accordance with s. 120.57(2), F. S., the Pinellas County Construction Industry Licensing Board concluded that Alan Begley, Begley Electrical, Inc., license number ER 0015290, in Complaint Nos.: C02-804; 931, violated s. 24(2)(d)(j)(m)(n), Chapter 75-489, Laws of Florida; s. 104 and 105, Florida Building Code 2001 – Building; s. 90-4 National Electrical Code and the City of St. Petersburg Beach City Ordinance.

The Pinellas County Construction Industry Licensing Board entered a Final Order imposing a \$500.00 administrative fine for each Administrative Complaint and suspension of Mr. Begley's license for a period of one (1)-year; however the suspension is stayed for thirty (3)-days and shall become probation if Mr. Begley pays the administrative fines, resolves outstanding administrative complaints by obtaining after-the-fact permits and final inspections of said work, and complies with the City of St. Petersburg Beach requirements to register with the City.

MOTION: Mr. Abreu moved to adopt the discipline imposed by the Pinellas County Construction Industry Licensing Board.

SECOND: Mr. Bellemare.

The Board voted on the motion. The motion passed unanimously.

**Donald Lee McConnell
1850 West Fairbanks Avenue
Winter Park, FL 32789
Case No.: 2002-001636
License Number: EF 0000950
Recused: Kiner, Mugford, Small**

This case was withdrawn from the meeting agenda.

**Richard Roberts
17490 East Street Northeast Suite 3
North Fort Myers, FL 33917
Case No.: 2003-074746
License Number: ES 0000351
Recused: Kiner, Mugford, Small**

This case was withdrawn from the meeting agenda.

APPLICATION COMMITTEE – Jeffrey M. Kiner, Vice-Chairperson

Second Business Applications

Present during this portion of the meeting were: George Archer, Solid Gold Development Corporation; Charles Belcher, Belcher Enterprises, LLC; David A. Birth, Camouflage Electric, Inc.; Joseph Boardwine, Michael Barlow Electric; David Botknecht, HW Automation, Inc.; Matthew J. Breen, National Infotech Services, LLC; Hashay Christopher Burch, Safehouse Security Solution, Inc.; John Carlisle, Quinco Services, Inc.; Larry B. Carter, Mazaco Electric, Inc.; Jack Walter Crews, Sr., Florida Home Air Conditioning and Appliance Company; Robert Eugene Douglas, In Home Technology, Inc.; William Davis, Broadband Cable Communications, Inc.; Carlton Dudley, Burgess and Dudley Incorporated; Robert E. Hazouri, Future Works Communications, Inc.; Mark Howard, Mark Howard Electric, Inc.; Jack Edward Keefe, Centra-Larm Monitoring, Inc.; Dirk J. Korte, Advanced Protection Systems, LP; H. Henry Kroger, U.S. Heating & Air Conditioning, Inc.; Raul Mesa, Gonzalez Security Systems Sales, Inc.; Elpidio Morejon, Pinar Electric LTD, Inc.; Eric Neilinger, All Fire Alarm Services, Inc.; Leland Mark Scott, Safetyguard Systems, Inc.

Mr. Knap swore in each applicant and those persons providing testimony on behalf of an applicant. During the review each applicant and their respective designees were interviewed in turn and answered general questions concerning the business entity they wished to qualify and direct questions concerning their understanding of their responsibilities and obligations as primary qualifying agent; specifically of the license holders:

- ◆ *“Do you understand that you will be legally responsible for every job undertaken by this business?”*
- ◆ *Do you understand that you will be financially responsible for every job undertaken by this business?”*
- ◆ *Do you understand that you are required to approve the work done on every job undertaken by this business?”*
- ◆ *Do you understand that your license is dependent upon how seriously you take these responsibilities?”*

Each applicant answered affirmatively to each of the preceding questions.

By written request, the applications of Albert G. Godfrey, Raffa Electrical Services, Inc.; H. Henry Kroger, U.S. Heating & Air Conditioning, Inc.; and Raymond C. Miller, Advanced Link Systems Inc., were continued until the May 2004 meeting of the board.

MOTION: Mr. Roberts moved to continue Mr. Godfrey’s application to qualify Raffa Electrical Services, Inc., until the May 2004 meeting.

SECOND: Mr. Sandefer.

The Board voted on the motion. The motion passed unanimously.

MOTION: Mr. Bellemare moved to continue Mr. Kroger’s application to qualify U.S. Heating & Air Conditioning, Inc., until the May 2004 meeting.

SECOND: Mr. Mugford.

The Board voted on the motion. The motion passed unanimously.

MOTION: Mr. Bellemare moved to continue Mr. Miller's application to qualify Advanced Link Systems Inc., until the May 2004 meeting.

SECOND: Mr. Roberts.

The Board voted on the motion. The motion passed unanimously.

Review of Mr. Scott's application to qualify Safetyguard Systems, Inc., revealed that Mr. Scott had personally filed for bankruptcy and had several collection accounts listed in his personal credit report. Mr. Scott testified that the debts incurred were due to his assuming debt by trying to help his parents with their medical expenses and related costs and that the debts were not business related. The Committee recommended the application be approved contingent pending the submittal of a detailed bankruptcy discharge detailing all collections and amounts owed by Mr. Scott.

MOTION: Mr. Abreu moved to approved contingent Mr. Scott's application to qualify Safetyguard Systems, Inc., pending the submittal of a detailed bankruptcy discharge detailing all collections and amounts owed by Mr. Scott.

SECOND: Mr. Sandefer.

The Board voted on the motion. The motion passed unanimously.

PETITION FOR DECLARATORY STATEMENT – Mary Ellen Clark, Assistant Attorney General

Gina H. Stoehr, Lowndes, Drosdick, Doster, Kantor & Reed, P. A., on Behalf of Witron Integrated Logistics, Inc.

Petition for Declaratory Statement of the Electrical Contractors' Licensing Board Requesting Licensing Determination Case No. 2004-003

In a petition filed with the department on January 26, 2004, Ms. Stoehr states in part:

"...Witron Integrated Logistics is a systems integrator of automated warehouses. In this role, we design, develop software, provide project management and start up services for these automated warehouses. Start up services consists of fine tuning the software and adjusting sensors and putting the system through its functional tests to prove it works. It does not involve field erection services. We would request that you review the enclosures and above details with regard to possible required licensing..."

Witron Integrated Logistics, Inc., was neither present nor represented by counsel. Ms. Clark introduced the matter for the record. Ms. Clark stated that the petition was not a properly formatted petition for declaratory statement in accordance with s. 120.565, F. S., and Chapter 28-105, F. A. C., and recommended the board take no action in this matter.

HEARINGS NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT – Mary Ellen Clark, Assistant Attorney General

**Gregory H. Barnes
Application Denial – Certification Alarm System Contractor I Examination**

On or about August 21, 2003, Mr. Barnes submitted an application for certified alarm system contractor I examination. The application was reviewed by the board at a duly announced public meeting on

September 18-19, 2003, in West Palm Beach, FL. The board denied the application on the grounds that the application failed to meet the work experience requirements in s. 489.511(2)(a), F. S.

The Notice of Intent to Deny was filed with the Department on October 24, 2003, and serviced to Mr. Barnes by return receipt certified mail on October 24, 2003. Mr. Barnes received the document on October 28, 2003 and timely submitted an Election of Rights Form. Notice of the hearing date, time and location was serviced to Mr. Barnes on February 20, 2004.

Mr. Barnes was present and sworn in, but not represented by counsel. Ms. Clark introduced the matter for the record. The board entered into discussion regarding Mr. Barnes's application, supplemental information, employment and experience. During discussion, the board determined that Mr. Barnes did not have a valid FASA card. After discussion:

MOTION: Mr. Mugford moved to AFFIRM the board's previous denial.

SECOND: Mr. Langer.

The board voted on the motion. The motion failed by a vote of 3-in favor and 7-opposed.

MOTION: Mr. Abreu moved to rescind the denial of Mr. Barnes application and to approve the application upon Mr. Barnes receiving a valid FASA card.

SECOND: Ms. Small.

The board voted on the motion. The motion passed unanimously.

Donald Beach
Application Denial – Certification of a Registered License

On or about July 28, 2003, Mr. Beach submitted an application for certification of a registered license. The application was reviewed by the board at a duly announced public meeting on November 20-21, 2003, in Tallahassee, FL. The board denied the application on the grounds that the application failed to show that a substantially similar written examination had been taken and passed pursuant to s. 489.514(2)(b), F. S.

The Notice of Intent to Deny was filed with the Department on January 21, 2004, and serviced to Mr. Beach by return receipt certified mail on January 21, 2004. Mr. Beach received the document on January 23, 2004 and timely submitted an Election of Rights form on February 10, 2004. Notice of the hearing date, time and location was serviced to Mr. Beach on February 17, 2004.

Mr. Beach was not present and was not represented by counsel. Ms. Clark introduced the matter for the record. The board entered into discussion regarding Mr. Beach's application, employment and experience. After discussion:

MOTION: Mr. Sandefer moved to AFFIRM the board's previous denial.

SECOND: Mr. Bellemare.

Donna Dickens

Application Denial – Limited Energy Systems Electrical Contractor Examination

On or about July 15, 2003, Ms. Dickens submitted an application for limited energy electrical contractor examination. The application was reviewed by the board at a duly announced public meeting on November 20-21, 2003, in Tallahassee, FL. The board denied the application on the grounds that the application failed to meet the eligibility requirements in s. 489.511(2)(a) 3, a., F. S.

The Notice of Intent to Deny was filed with the Department on January 21, 2004, and serviced to Ms. Dickens by return receipt certified mail on January 21, 2004. Ms. Dickens received the document on January 22, 2004 and timely submitted an Election of Rights form on February 2, 2004. Notice of the hearing date, time and location was serviced to Ms. Dickens on February 2, 2004.

Ms. Dickens was not present and was not represented by counsel. Ms. Clark introduced the matter for the record. The board entered into discussion regarding Ms. Dickens' application, supplemental information, employment and experience. After discussion:

MOTION: Mr. Abreu moved to rescind the board's previous denial and approve Ms. Dickens' application.

SECOND: Mr. Sandefer.

The board voted on the motion. The motion passed unanimously.

Peter Padron

Application Denial – Certification of a Registered License

On or about October 22, 2003, Mr. Padron submitted an application for certification of a registered license. The application was reviewed by the board at a duly announced public meeting on November 20-21, 2003, in Tallahassee, FL. The board denied the application on the grounds that the application failed to show that Mr. Padron had taken and passed an appropriate local examination, or a board-approved substantially equivalent examination, pursuant to s. 489.513(3), F. S.

The Notice of Intent to Deny was filed with the Department on January 21, 2004, and serviced to Mr. Padron by return receipt certified mail on January 21, 2004. Mr. Padron received the document on January 23, 2004 and timely submitted an Election of Rights form on February 2, 2004. Notice of the hearing date, time and location was serviced to Mr. Padron on February 2, 2004.

Mr. Padron was present and sworn in, but was not represented by counsel. Ms. Clark introduced the matter for the record. The board entered into discussion regarding Mr. Padron's application, supplemental information, employment and experience. During discussion, the determined that the statutes did not establish an examination requirement for locally licensed limited energy systems electrical contractors. After discussion:

MOTION: Mr. Abreu moved to rescind the board's previous denial and approve Mr. Padron's application.

SECOND: Mr. Sandefer.

The board voted on the motion. The motion passed unanimously.

McVorrان Burnett
Application Denial – Certified Unlimited Electrical Contractor Examination

This matter first came before the board at a duly noticed public meeting on May 15-16, 2003, in Orlando, FL. The board denied the application on the grounds that Mr. Burnett's New Jersey license is not approved for reciprocity, as required by s. 489.511(6)(b), F. S. Subsequent to the denial, Mr. Burnett, upon receipt of the Notice of Intent to Deny, submitted an Election of Rights Form, requesting to supplement his application for further review. The board voted to reconsider Mr. Burnett's application.

During discussion board staff stated that New Jersey contracts with Experior (formerly Block and Associates), to administer its licensing examination and that Experior will not release any of its examination information to the Department. Mr. Abreu suggested that board staff contact the State of New Jersey directly for information concerning Mr. McVorrان's licensure exam in the State of New Jersey. Subsequently, Ms. Catalano asked Mr. McVorrان if he'd be willing to waive his right to have the board take action on his application at this time so that further information from the State of New Jersey regarding his licensing examination could be received and a comprehensive review of Mr. McVorrان's State of New Jersey examination could be conducted by the Bureau of Education and Testing (BET).

After discussion the board voted to CONTINUE the matter until the November 2003 meeting of the board pending receipt of information from the State of New Jersey regarding the licensing examination Mr. McVorrان completed and a comprehensive review of Mr. McVorrان's State of New Jersey examination be conducted by the BET.

Mr. Burnett's application was not scheduled for review at the November 20-21, 2003 meeting, or January 22-23, 2004 meeting, as no response has been received from the State of New Jersey at that time and no new or additional information was available for the board to consider. The Notice of Intent to Deny was filed with the Department on June 17, 2003, and serviced to Mr. Burnett by return receipt certified mail on June 17, 2003. Mr. Burnett received the document on June 23, 2003 and timely submitted an Election of Rights form on July 15, 2003. Notice of the hearing date, time and location was serviced to Mr. Burnett on March 8, 2004.

Mr. Burnett was present and sworn in, but was not represented by counsel. Ms. Clark introduced the matter for the record. The board entered into discussion regarding Mr. Burnett's application, supplemental information, employment and experience. During discussion, the board staff explained that they had contacted the State of New Jersey concerning Mr. Burnett's examination and the State of New Jersey directed staff to contact Experior. Board staff further reported that Experior has failed to respond to its inquiries regarding the examinations administered for the State of New Jersey and has not to date completed an Examination Evaluation Questionnaire. The board suggested that Mr. Burnett contact Experior directly, which Mr. Burnett agreed to do. After discussion:

MOTION: Ms. Poole moved to table the application for a period of 6-months to allow Mr. Burnett ample time to receive a response from Experior and/or the state of New Jersey regarding his examination.

SECOND: Mr. Bellemare.

The board voted on the motion. The motion passed unanimously.

RECONSIDERATIONS – Mary Ellen Clark, Assistant Attorney General

Josie Gonzalez

Application Denial – Alarm System Contractor I Examination

This matter first came before the board at a duly noticed public meeting held on September 18-19, 2003, in West Palm Beach, FL. On or about August 26, 2003, Ms. Gonzalez submitted an application for the certified alarm system contractor I examination. The application was denied on the grounds that it failed to demonstrate sufficient work experience as required by s. 489.511(2)(a), 3.b., F. S.; the application did not demonstrate 48-months (4 years) of supervisory experience.

The Notice of Intent to Deny was filed with the Department on October 24, 2003, and serviced to Ms. Gonzalez by return receipt certified mail on October 24, 2003. Ms. Gonzalez received the document on October 30, 2003, and timely submitted an Election of Rights form on November 14, 2003. Notice of the reconsideration date, time and location was serviced to Ms. Gonzalez, on December 18, 2003.

Ms. Gonzalez was not present, nor represented by counsel. The board entered into discussion regarding Ms. Gonzalez's application, experience and supplemental documentation. After discussion the board voted to direct staff to request Ms. Gonzalez make an appearance at the next Board meeting to discuss her qualifications and application.

Ms. Gonzalez was present and sworn in, but was not represented by counsel. Ms. Clark introduced the matter for the record.

MOTION: Mr. Langer moved to not reconsider Ms. Gonzalez's application.

SECOND: Mr. Bellemare.

The Board voted on the motion. The motion passed unanimously. The Notice of Intent to Deny will become final agency action. After voting discussion ensued concerning Ms. Gonzalez's employment, experience and understanding of FASA card requirements.

John W. Nemeth

Application Denial – Certification of a Registered License

This matter came before the Board at a duly noticed public meeting on September 18-19, 2003, in West Palm Beach, FL. On or about July 23, 2003, Mr. Nemeth submitted an application for certification of his registered license. The Board voted to deny Mr. Nemeth's application on the grounds the application failed to provide evidence of satisfactory settlement of a Federal tax lien as required by s. 489.514(2)(e), F. S.; and the application failed to meet the work experience as required by s. 489.514(2)(c), F. S., in that it failed to demonstrate five (5)-years (60-months) of experience as a contractor.

The Notice of Intent to Deny was filed with the Department on October 24, 2003, and serviced to Mr. Nemeth by return receipt certified mail on October 24, 2003. Mr. Nemeth received the document on October 27, 2003, and timely submitted an Election of Rights form on November 6, 2003. Notice of the hearing date, time and location was serviced to Mr. Nemeth, on December 18, 2003, scheduling the reconsideration for January 23, 2004 at 9:00 a. m., in Key West, FL.

By fax correspondence dated January 8, 2004, Mr. Nemeth requested he be granted a continuance to another location, as he was unable to travel to Key West at the time. At the January 22-23, 2004 meeting, the board voted to grant a continuance until the March 17-18, 2004 meeting of the board.

Mr. Nemeth was present and sworn in, but was not represented by counsel. Ms. Clark introduced the matter for the record. The board entered into discussion regarding Mr. Nemeth's application and experience. After discussion:

MOTION: Mr. Abreu moved to rescind the board's previous denial and approve Mr. Nemeth's application.

SECOND: Mr. Bellemare.

The board voted on the motion. The motion passed unanimously.

Andrew R. Schmeider
Application Denial – Certified Residential Electrical Contractor Examination

This matter first came before the board at a duly noticed public meeting on November 20-21, 2003, in Tallahassee, FL. The board denied the application on the grounds that Mr. Schmeider's application failed to meet the work experience requirements established by Rule 61G6-5.003(1)(a), F. A. C., in that at least 40% of Mr. Schmeider's work experience was in 3-phase service and the application appeared to demonstrate that Mr. Schmeider had documented only 6-months of 3-phase experience.

Upon receipt of the Notice of Intent to Deny, Mr. Schmeider submitted an Election of Rights Form, requesting to supplement his application for reconsideration by changing the requested examination category from unlimited electrical to residential electrical.

The Notice of Intent to Deny was filed with the Department on January 21, 2004, and serviced to Mr. Schmeider by return receipt certified mail on January 21, 2004. Mr. Schmeider received the document on January 24, 2004, and timely submitted an Election of Rights form on February 11, 2004. Notice of the hearing date, time and location was serviced to Mr. Schmeider, on February 11, 2004, scheduling the reconsideration for March 18, 2004 at 9:00 a. m., in Boca Raton, FL.

Mr. Schmeider was not present and was not represented by counsel. Ms. Clark introduced the matter for the record.

MOTION: Mr. Sander moved to reconsider Mr. Schmeider's application.

SECOND: Ms. Poole.

The board voted on the motion. The motion passed unanimously.

The board entered into discussion regarding Mr. Schmeider application for residential electrical contractor examination, supplemental information, employment and experience. After discussion:

MOTION: Mr. Tibbs moved to rescind the board's previous denial and approve Ms. Dickens' application.

SECOND: Mr. Sandefer.

The board voted on the motion. The motion passed unanimously.

BOARD MEETING MINUTES

January 22-23, 2004 Board Meeting Minutes, Key West, FL

The board reviewed the minutes from the January 22-23, 2004 meeting held at the Crowne Plaza La Concha, 430 Duval Street, Key West, FL.

MOTION: Mr. Sandefer moved to APPROVE the meeting minutes.

SECOND: Mr. Abreu.

The board voted on the motion. The motion passed unanimously.

LEGISLATIVE COMMITTEE REPORT – Norman Mugford

Mr. Mugford presented a legislative proposal effectively requiring licensure of homeowner's associations that provided alarm monitoring services for its members for compensation. Presently, homeowner's associations that provide monitoring services for its members do not provide liability insurance or property damage insurance for their security personnel. The proposed language is as follows:

489.503 Exemptions

489.503 (19)(C) The alarm system is designed to protect only the commercial premises leased by the business endeavor or commercial premises owned by the business endeavor and not leased to another. This exemption is intended to allow businesses to monitor their own alarm systems and is not limited to monitoring of a single location of that business. However, it is not intended to enable the owner of any apartment complex, aggregate housing, commercial property or home owners association, condominium owners association to provide monitoring, or an offer to monitor alarm systems by guard services or other business entities hired to do the monitoring either as part of, or as their sole job function, on property owned, leased or rented to the residents, members, clients or customers thereof.

MOTION: Mr. Mugford moved to accept the proposed amendment to ss. 489.503(19)(c), F. S.

SECOND: Mr. Bellemare.

The board voted on the motion. The motion passed unanimously.

Mr. Mugford lead discussion of a proposed House Bill before the United States Congress; "The Alarm Monitoring and Licensing Standards and Reciprocity Act of 2004." Mr. Mugford reported the bill was before Congress but had not been assigned a number. The National Fire Alarm Association and the Central Station Association of America are reportedly sponsoring the bill. Mr. Mugford stated that if passed, Florida laws must be changed to comply with Federal laws. The bill text is as follows:

THE ALARM MONITORING LICENSING STANDARDS AND RECIPROCITY ACT
OF 2004*

107H CONGRESS
2ST SESSION

S./H.R.-----

To ensure that entities providing alarm monitoring services operate with sound and consistent licensing standards, and for other purposes.

IN THE SENATE/HOUSE OF REPRESENTATIVES OF THE UNITED STATES

Date

Mr. -----, introduced the following bill; which was read twice and referred to the Committee on -----

A BILL

To ensure that entities providing alarm monitoring services operate with sound and consistent licensing standards, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alarm Monitoring Licensing Standards and Reciprocity Act of 2004".

SECTION 2. FINDINGS.

The Congress hereby finds –

- (a) New technologies and successful efforts to reduce consumers' monitoring costs have led to the consolidation of alarm monitoring services.
- (b) Most monitoring services are provided on a regional or national basis.
- (c) In the interest of public safety, alarm monitoring organizations recognize the need for national regulation of their industry.
- (d) Repetitive fingerprint analysis and verifications by the various states and other public agencies impose unnecessary expenditures of time, money, and other resources which result in increased costs to the consumer and no offsetting public benefit.
- (e) Substantial benefits will be achieved with no cost by setting forth a minimum licensing standard for alarm monitoring organizations, by allowing states to adopt such a minimum licensing standard, and by having alarm monitoring organizations based in states that have adopted such a standard able to operate easily in other states.

SECTION 3. PURPOSES.

The purposes of this Act are –

- (a) To ensure complete protection of the safety interests of alarm monitoring consumers while achieving increased efficiencies and reduced costs by eliminating duplicative efforts by state regulating agencies and alarm monitoring organizations doing business in numerous states.
- (b) To establish a minimum licensing standard for alarm monitoring organizations that may be adopted by states.
- (c) To encourage states to adopt the minimum licensing standard for alarm monitoring organizations.
- (d) To allow alarm monitoring organizations to operate more efficiently by entering into new states without additional regulation so long as the organization's home state has adopted the minimum licensing standard.

SECTION 4. DEFINITIONS.

- (a) The term "alarm monitoring" means the monitoring of burglar, fire, or emergency signals from protected property.
- (b) The term "alarm monitoring facility, supervisory station," or "central station" means the facility or facilities that provide alarm monitoring services for commercial purposes.

- (c) The term “proprietary alarm monitoring facility” means an alarm monitoring facility which provides alarm monitoring services for a specific company’s facilities, franchises, its personnel or for its own line of business or for property which it owns or has a financial fiduciary business interest in and which is not engaged in providing such services for commercial purposes.
- (d) The term “alarm monitoring organization” means an organization that operates facilities that provide alarm monitoring services for commercial and/or non-commercial purposes.
- (e) The term “central station operator” means a covered employee who processes incoming signals from alarm systems and transmits requests for response to public safety answering points and other parties.
- (f) The term “conformance assessment agent” means an individual who is completely independent of alarm service providers and of any manufacturers or providers of equipment or materials used to provide those alarm services.
- (g) The term “covered employee” means an employee of the alarm monitoring organization who is required to obtain an alarm monitoring organization employee license or registration.
- (h) The term “designated agent” means a person, under direct supervision of a principal or the principal’s designated representative who has full responsibility for the operation of the alarm monitoring facilities.
- (i) The term “home state” means the state in which the alarm monitoring organization has its headquarters or its principal monitoring facility. If the home state has not adopted the Minimum Licensing Standard in Section 4 of this Act, an alarm monitoring organization may designate a state that has adopted such standard as the “home state”.
- (j) The term “organization” means the entity, whether an individual, sole proprietorship, partnership, company, or corporation or business unit thereof.
- (k) The term “principal” means the owner, sole proprietor, or every partner or executive officer of the organization.

SECTION 5. RECIPROCITY.

A state may adopt the Minimum Licensing Standard in Section 6 of this Act to oversee the operations of alarm monitoring organizations. Alarm monitoring organizations licensed or registered in a state that has adopted the Minimum Licensing Standard in Section 6 of this Act may provide such service in any other state or political jurisdiction without complying with any additional requirements or restrictions that apply specifically to the monitoring of alarm systems or to alarm monitoring organizations imposed by such state or political jurisdiction so long as such organizations notify such state or political jurisdiction that they are operating there, pay applicable fees, and provide such state or political jurisdiction complete documentation demonstrating that they are in compliance with the Minimum Licensing Standard requirements of the home state.

Nothing in this section shall prevent a state or political jurisdiction from requiring alarm monitoring organizations to comply with requirements that apply generally to all businesses operating in the state.

SECTION 6. MINIMUM LICENSING STANDARD.

The Minimum Licensing Standard shall include the following provisions—

(a) EMPLOYEE REQUIREMENTS

- (1) PRINCIPAL. Each principal of the alarm monitoring organization shall be at least 21 years of age and of good moral character, including –
 - (A) Not convicted by any court of jurisdiction of any felony, unless at least 10 years have passed from the time of discharge from any sentence imposed for a felony;
 - (B) Not undergoing treatment for chemical, alcohol, or narcotics addiction or dependency and not presently addicted or dependent;
 - (C) Not presently mentally incompetent as declared by any court of jurisdiction;

- (D) Not dishonorably discharged from the armed forces within the prior 10 years;
- (E) Not having an alarm monitoring license or registration permanently revoked denied, or currently under suspension; and
- (F) Meets the basic standards for an alarm monitoring license or registration.

(2) DESIGNATED AGENT. The alarm monitoring organization shall have a designated agent who shall

—

- (A) Be selected to have full responsibility for the operation of the alarm monitoring facilities and shall have passed an examination approved by, or that meets the requirements of, the home state;
- (B) Meet the requirements of subsection (a)(1) and provide a notarized statement to that effect; and
- (C) Be responsible for making sure that the alarm monitoring organization fulfills the obligations regarding employee records and payment of fees as set forth in subsection (a)(4) and shall make those records, or copies thereof, conveniently available to the conformance assessment agent.

(3) COVERED EMPLOYEE.

(A) QUALIFICATIONS. Every employee of an alarm monitoring organization who has access to confidential alarm user information or who processes incoming signals from alarm systems shall have a current and valid employee license or registration document, or its equivalent, for alarm monitoring personnel, issued by the home state as a condition of continued employment. All covered employees shall apply for license or registration within 30 days of the start of employment as a covered employee. All covered employees of an organization shall be at least 18 years of age and of good moral character, including —

- (i) Not being unfit, as determined by the home state, by reason of conviction of an offense other than a minor traffic violation;
- (ii) Not undergoing treatment for chemical, alcohol, or narcotics addiction or dependency and not presently addicted or dependent;
- (iii) Not presently mentally incompetent as declared by any court of jurisdiction;
- (iv) Not dishonorably discharged from the armed forces within the prior 10 years; and
- (v) Not having an alarm monitoring license or registration permanently revoked denied, or currently under suspension.

(B) REQUIRED INFORMATION. No person seeking to be a covered employee may be employed by an alarm monitoring organization until completing, signing, and furnishing to such organization on license application forms of the home state, or substantially equivalent forms, the following information—

- (i) Full name, age, and residence address;
- (ii) Businesses or occupations engaged in for the 5 years immediately preceding the date of application, including the names of the businesses and employers and the addresses of such businesses;
- (iii) A notarized statement that the applicant has not had an alarm monitoring license or registration revoked, denied, or currently under suspension and meets the basic standards to be licensed or registered;
- (iv) Any conviction of a felony or misdemeanor;
- (v) Any dishonorable discharge from the armed forces; and
- (vi) Any other information that may be required by the licensing or registering state to show good character, competency, and integrity.

(C) FINGERPRINTS. Each applicant shall submit to home state, along with the applicable fees, 2 complete sets of fingerprints that are verified to be those of the applicant. The alarm monitoring

organization shall exercise due diligence in submitting fingerprints or in resubmitting fingerprints for applicants who have had original fingerprint submissions returned as unclassifiable.

(D) EMPLOYEE IDENTIFICATION CARD. The alarm monitoring organization shall furnish an employee identification card to each covered employee within 14 days of the issuance of clearance which shall be carried and displayed while the employee is performing work as a covered employee and which shall contain the following information: a photograph of the employee, the alarm monitoring organization name, the employee's physical description, the signature of the employee, and an employee identification number. The card shall be reissued not less frequently than every 3 years. The photograph shall be taken approximately at the time the card is issued. The identification card may only be issued to a person who is employed by the alarm monitoring organization. If a card is lost or misplaced, a temporary card may be issued for a limited period.

(E) PERSONNEL TRAINING.

(i) GENERAL. All covered employees shall be trained for proficiency in standards, procedures, and operating requirements of their specific job responsibilities.

(ii) CENTRAL STATION OPERATORS. All central station operators of the alarm monitoring organization shall have completed an up-to-date central station operator course offered by the Central Station Alarm Association, titled the "Central Station Operator Level I On-line Training", the Security Industry Association and the Association of Public-Safety Communications Officials-International, or a similar course approved by the home state, all of which shall meet the following criteria—

(I) A minimum of 8 hours covering: the specific duties of the central station operator, familiarization with the alarm monitoring facility including fire evacuation routes and building security, the alarm event cycle, the role of the central station operator in the alarm event cycle, general explanation of alarm and trouble signals, the concept of public safety answering points and requests for response, the proper verbal communication with public safety answering points including use of the phonetic alphabet and military time, physical and mental stress management techniques, dealing with upset, hysterical, and irate customers, interpersonal communication, and telephone functions that the central station operator must perform.

(II) A minimum of 16 hours of training on the automation system.

(III) A minimum of 24 hours of performing alarm monitoring while under direct supervision by training or supervisory personnel.

(iii) ANNUAL REVIEWS. An annual review of comprehension of and compliance with current operational standards, including a written examination or verification of completion of continuing education programs relating to each covered employee's specific job responsibilities.

(iv) TRAINING RECORDS. Records shall be on file to verify completion of required training and continuing education for all covered employees.

(4) ALARM MONITORING ORGANIZATIONS RECORDS.

(A) RECORD RETENTION REQUIREMENTS. The alarm monitoring organization shall maintain as current and for a period of 6 years beyond the date of resignation or termination of an employee the following—

(i) FEES. A record to verify that all fees have been paid and dates of payment, including records of disciplinary actions and fines levied by states.

- (ii) APPLICATION PENDING ROSTER. A roster of all persons who have applications pending with the home state.
- (iii) COVERED EMPLOYEE ROSTER. A monthly roster of all covered employees shall be retained for not less than 24 months.
- (iv) EMPLOYEE RECORDS. A record of each covered employee containing: a photograph taken within 14 days of beginning employment and replaced every 3 years, the employee's statement set forth in subsection (a)(3)(B), all correspondence or documents relating to the employee's character and integrity received by the alarm monitoring organization.

(B) NOTIFICATION OF RESIGNATION OR TERMINATION. When an employee resigns or is terminated, the alarm monitoring organization shall notify the home state of such resignation or termination within 30 days.

(C) RECORDS ACCESSIBILITY. All records, or copies thereof, required to exist or be maintained by the alarm monitoring organization shall be accessible to the designated agent and made conveniently available to the conformance assessment agent.

(b) LIABILITY INSURANCE. The alarm monitoring organization shall be covered by not less than \$1 million of comprehensive general insurance.

(c) MONITORING FACILITY REQUIREMENTS AND CONFORMANCE CERTIFICATION. The alarm monitoring facility shall meet the following requirements—

(1) NATIONALLY RECOGNIZED CONFORMANCE. The alarm monitoring organization shall have its alarm monitoring facility inspected for conformance with the requirements of the Minimum Licensing Standard either by the home state license administration bureau, the entity responsible for the Underwriters Laboratories listing or Factory Mutual certification process by examining the records as an extension of such process, or a nationally recognized conformance assessment agent.

(2) ANNUAL CONFORMANCE CERTIFICATION. The alarm monitoring organization shall obtain an annual certification of conformance to the Minimum Licensing Standard from a conformance assessment agent. Such conformance process shall include a review of the alarm monitoring organization's personnel practices, record-keeping, and training.

RULES COMMITTEE REPORT – Kimberly A. DeBerry

The Rules Committee reviewed the March 2004, Rules Report prepared by Mary Ellen Clark, Esq. Highlights of the report included:

March 2004 Rules Report

Rule	Title	Published	Approved	Noticed	Adopted	Effective
61G6-5.004	Requirements for Certified Qualified Agent Applicant	10/10/03	11/21/03	12/19/03	NOC 2-6-04	
61G6-5.005	Financial Responsibility; Definitions, Grounds for Denial	2/20/04				
61G6-5.006(1)	Certification of additional new	12/19/03	1/22/04	2/20/04		

	business entity or transfer					
61G6-6.001	Certification Examinations Definitions, Grounds for Denial Requirements	12/19/03	1/22/04	2/20/04		
61G6-10.002	Disciplinary Guidelines	6/13/03	11/21/03	12/19/03	1/23/04	2/13/04
61G6-10.007	Probation	6/13/03	11/21/03	10/17/03	1/27/04	2/16/04
61G6-10.008	Mediation	12/19/03				

Details of Ms. Clark's report are as follows:

61G6-5.004, F. A. C., Requirement for Certified Qualifying Agent Applicant Business Organizations.

In order that the Board may carry out its statutory duty to investigate the financial responsibility, credit, and business reputation of an applicant for ~~qualifying agent status~~, an applicant proposing to engage in contracting as a partnership, corporation, business trust, or other legal entity other than a sole proprietorship, shall be required to forward the following to the Department for review by the Board:

(1) No change.

(2) A comprehensive financial statement reflecting the financial condition of the business ~~entity organization~~ in its previous fiscal year; provided, however, that the statement be prepared within 12 months of the date of filing of the application. The financial statement shall be prepared in accordance with generally accepted accounting principles, as defined by Rule 61H-20.007, F. A. C. (February, 2004) include the following: balance sheet; income statement; capital statement; and statement of cash flow. Unless prepared by a certified public accountant, the financial statement shall be signed, in the presence of a notary, by a responsible officer of the business entity as representing the financial condition of the business entity for the period reflected in the statement. The financial statement must indicate a minimum net worth as indicated below for the following categories:

(a) through (b) No change.

(3) A ~~credit~~ report on the business organization ~~entity agent~~ from any recognized credit bureau which includes but is not limited to credit history, ability to be bonded, liens, judgements, suites, and bankruptcy, and assignment of receivers obtained from county, state and federal records. The ~~credit~~ report must be dated within twelve (12) months of the date of filing the application. ~~Reports which are limited to only information that has been obtained from the qualifying agent or past and present employers are not acceptable.~~

(4) Answers to the following questionnaire on the application:

BUSINESS ORGANIZATION FINANCIAL RESPONSIBILITY QUESTIONNAIRE – HAS ANY PARTNER, OFFICER, DIRECTOR, OR TRUSTEE OF THE BUSINESS ORGANIZATION QUALIFYING AGENT FINANCIAL RESPONSIBILITY – HAVE YOU (OR A PARTNERSHIP IN WHICH YOU WERE A PARTNER OR AN AUTHORIZED REPRESENTATIVE OR A CORPORATION IN WHICH YOU WERE AN OFFICER OR AN AUTHORIZED REPRESENTATIVE) EVER:

(a) through (5) – No change.

AUTHORITY: Specific Authority 489.507(3), 489.515(1), 489.521 FS. Law Implemented 489.515(1), 489.521, 489.522, FS.

History–New 1-20-80, Amended 4-17-80, 4-30-81, 1-11-84, Formerly 21GG-5.04, Amended 2-3-86, 11-23-86, 8-27-87, 12-24-87, 11-26-90, 7-8-91, Formerly 21GG-5.004, Amended 3-20-94, 11-30-94, 5-2-96, 2-13-97, 11-23-97, 4-14-98, _____.

61G6-5.005, F. A. C., Financial Responsibility; Definitions; Grounds for Denial

(1) No change.

(2) The following factors will be reviewed when examining the financial responsibility of the applicant:

(a) ~~Failure to submit any of the items required by Rule 61G6-5.004.~~

~~(b)~~ (a) Evidence that the applicant or any of its corporate officers, or any of its shareholders holding 10% or more of the corporate stock has filed or been a party to voluntary or involuntary bankruptcy within the past five years preceding its application, arising out of the electrical contracting operations of said applicant, corporate officer or 10% shareholder.

~~(c)~~ (b) The existence, within the past five years preceding the application, of a court judgment rendered against the applicant or any of its corporate officers, or any of its shareholders holding 10% or more of its corporate stock, based upon the failure of the applicant or any of its corporate officers or 10% shareholders to pay their obligations to materialmen, laborers, suppliers or any other parties with whom the applicant or corporate officer or 10% shareholder conducted business as a contractor.

~~(d)~~ (c) The existence of any liens of record by the United States Internal Revenue Service or the State of Florida Corporation Tax Division against the applicant or any of its corporate officers or any of its 10% shareholders.

~~(e)~~ (d) An unfavorable credit history as indicated by any of the documents submitted pursuant to Rule 61G6-5.004, F.A.C.

(3) – No change.

AUTHORITY: Specific Authority 489.511(3) FS.

Law Implemented 489.501, 489.511(3) FS.

HISTORY

New 1-2-80, Amended 4-17-80, 4-30-81, 1-24-85, Formerly 21GG-5.05, Amended 2-23-86, 8-16-88, Formerly 21GG-5.005, Amended 2-13-97, _____.

61G6-5.006, F. A. C., Certification of Additional New Business

(1) A qualifying agent who wishes to engage in contracting in his own name or in affiliation with another business entity shall be required to submit an application to the Department. The application shall be accompanied by the materials listed in Rule 61G6-5.004, F.A.C. The application shall be accompanied by the application fee. The applicant shall appear before the Application Review Committee for review of the application and may appear before both the Committee and the Board. The Board Office shall schedule all qualified applicants for appearance before the Committee.

(2) through (4) No change.

Specific Authority 489.507(3), 489.511(3), 489.521(2), (3)(a) FS. Law Implemented 489.511(3), 489.521(2), (3)(a), (8) FS. History–New 1-2-80, Amended 4-16-82, 6-22-82, Formerly 21GG-5.06, Amended 11-3-92, Formerly 21GG-5.006, Amended 11-30-94, 5-2-96, 6-16-98, _____.

61G6-6.001, F. A. C., Certification Examination Requirements

(1) The areas of competency to be covered by the certification examination, and the approximate percentage of questions in each area, shall be as follows:

Technical knowledge, 60%; General Business knowledge, 33%; and Safety knowledge, 7%.

(2) The examination shall be open book. The applicant is responsible for bringing and may use during the examination the applicable code books, reference materials and calculators as approved by the Board. Security measures as set forth by the Department shall be followed during the examination.

(3) The following certification examinations are offered ~~The content areas of each examination and the approximate weight assigned to each section are as follows:~~

- (a) ~~Unlimited Electrical Contractor. Technical Section 64%; General Business Section 33%; and Safety Section 3%.~~
- (b) ~~Residential Electrical Contractor. Technical Section 59%; General Business Section 33%; and Safety Section 8%.~~
- (c) ~~Alarm Systems Contractor I. Technical Section 66%; General Business Section 25%; and Safety Section 9%.~~
- (d) ~~Alarm Systems Contractor II. Technical Section 70%; General Business Section 25%; and Safety Section 5%.~~
- (e) ~~Limited Energy Contractor. Technical Section 69%; General Business Section 25%; and Safety Section 6%.~~
- (f) ~~Sign Specialty Contractor. Technical Section 70%; General Business Section 25%; and Safety Section 5%.~~
- (g) ~~Lighting Maintenance Contractor. Technical Section 70%; General Business Section 25%; and Safety Section 5%.~~

(h) Utility Line Electrical Contractor.

(4) An applicant shall be required to achieve a score of a general average of not less than seventy-five percent (75%) in order to pass the examination and be certified for licensure. When a cut off score contains a fraction of a percentage point of one-half (.5) or higher that score will be raised to the next highest whole number. When a cut off score contains a fraction of a percentage point of less than one-half (.5) that score will be lowered to the next lowest whole number. There shall not be a practical or clinical examination.

Specific Authority 455.217(1)(b) FS. Law Implemented 455.217(1)(b) FS. History–New 1-2-80, Amended 4-26-81, 1-19-84, Formerly 21GG-6.01, 21GG-6.001, Amended 3-20-95, 5-2-96, 5-7-97, 10-6-97, 9-7-98, 10-7-99, 2-17-00, _____.

61G6-10.002, F. A. C., Violations and Penalties

In imposing disciplinary penalties upon licensees, the board shall act in accordance with the following disciplinary guidelines and shall impose a penalty corresponding to the violations set forth below absent aggravating and mitigating circumstances and subject to the other provisions of Chapters 455 and 489, Part II, F.S.: The cited statutory language is intended to provide a description of the violation and is not a complete statement of the violation; the complete statement may be found in the statutory provision cited following the violation description.

(1) through (15)(f) – no change.

(g)) Employing a burglar alarm system agent in violation of Section 489.518, F.S., or employing a fire alarm system agent in violation of Section 489.5185, F.S. First violation: \$500 fine to \$1,000 fine plus proof of compliance; repeat violation: \$1,000 fine to \$2,500 fine plus probation or suspension and proof of compliance.

(16) through (21) – no change.

AUTHORITY: Specific Authority 455.2273, 489.507(3) FS. Law Implemented 455.2273 FS.

History–New 12-10-86, Amended 2-26-89, Formerly 21GG-10.002, Amended 12-24-97, 2-18-99, 10-4-99, _____.

61G6-10.007, F. A. C., Probation

All probation imposed by the Board for violations of Sections 489.531 and 489.533, F.S., shall require the probationer to file with the Board, quarterly reports every ninety (90) days from the date of the final order entered by the Board. The quarterly reports must be filed using DBPR/ECLB 4458 Rev. 11-7-03, titled Probation and Quarterly Report Form, which is hereby incorporated by reference and will be effective 11-7-03, copies of which may be obtained from the Board Office.

AUTHORITY: Specific Authority 455.2273, 489.507(3), 489.533(2)(e) FS. Law Implemented 489.533(2)(e) FS.

History–New 2-16-04.

MOTION: Mr. Bellemare moved to accept the proposed rule language.

SECOND: Ms. Small.

The board voted on the motion. The motion passed unanimously.

FINANCIAL BUDGET LIAISON REPORT– Clarence Tibbs, Chairperson

The board reviewed the December 31, 2003 and 2002 Operating Account and Unlicensed Activity Account. Mr. Tibbs suggested that questions regarding the board's financial reports be directed to Mr. Knap.

PROSECUTING ATTORNEY'S REPORT – Gail Scott-Hill, Chief Attorney, Professions

Ms. Scott-Hill directed the board's attention to the Prosecuting Attorney's case report provided in the meeting agenda. The board requested that future reports include a "break-down of timelines on prosecutions." Details of the report included the following as of January 20, 2004:

- ◆ 1-cases in the Office of the General Counsel.
- ◆ 19-cases set for Probable Cause.
- ◆ 3-cases with Administrative Complaints filed.
- ◆ 4-case set for Board Presentation.
- ◆ 0-cases ready for Default.
- ◆ 8-cases where Formal Hearings have been requested.
- ◆ 1-case referred to DOAH.
- ◆ 0-cases awaiting Final Order.
- ◆ 5-cases waiting outside action.

UNLICENSED ACTIVITY (ULA) ENFORCEMENT REPORT – Gail Scott-Hill, Chief Attorney, Profession

Ms. Scott-Hill directed the board's attention to the Unlicensed Activity case report prepared by Laura Gaffney, Chief Attorney, Unlicensed Activities Section, Office of the General Counsel. Details of the report included:

- ◆ 25-cases in the Office of the General Counsel.
- ◆ 1-case awaiting further investigation/expert report.
- ◆ 4-cases awaiting Probable Cause determination.
- ◆ 8-cases Administrative Complaint filed.
- ◆ 2-cases Informal hearing requested.
- ◆ 2-cases Formal hearing requested.
- ◆ 1-case Default/failed to respond to AC.
- ◆ 7-cases hearing held; awaiting final order.
- ◆ 0-cases on appeal.

UNLICENSED ACTIVITY (ULA) COMMITTEE REPORT – Kimberly A. DeBerry

The ULA Committee review the ULA statistical information, monthly board reports, prepared by Andre Ruffner; Final Order No.: 2003-03934, issued in Case No.: 2001-06249, DBPR v. Thomas Jones; and held brief discussion on the correspondence from David Minacci, Esq., smith, Thompson, Shaw &

Manausa, P. A, concerning privatization. The board directed staff to invite Mr. Minacci to the May 2004 board meeting.

PROBATION COMMITTEE REPORT– Paul Sandefer

The Probation Committee reviewed the probationary quarterly report submitted by Jesse Morris in Case No.: 2001-02016.

MOTION: Mr. Sandefer moved to accept Mr. Morris' probationary quarterly report.

SECOND: Mr. Langer.

The board voted on the motion. The motion passed unanimously.

EXAMINATION COMMITTEE REPORT – Clarence Tibbs, Chairperson

The Committee reviewed the November 20, 2003 Examination Challenges and held brief discussion concerning the progress of development of a Business Exam CBT. Highlights included:

- Candidate # 210016, Unlimited Electrical - Score moves from 73.33 to 74.65 which rounds up and is passing.
- Candidate # 210016: Unlimited Electrical candidate was successful on two Challenged items:
 1. AM #6: Definition of a "Qualified person" changed in the 2002 CODE.
 2. PM#50: There was confusion in the item's wording: "fewer than 4" as opposed to "4 or less"
- Candidate # 240007, Limited Energy - No rescore is necessary.
- Candidate # 240021, Limited Energy - No rescore is necessary.
- Mr. Tibbs reported that challenges to the March 9, 2004 exam would be reviewed on Friday, March 19, 2004.
- Previously recorded "high-scores" appeared to be consistent.
- New questions are being written.

ENDORSEMENT COMMITTEE REPORT – Jeffrey M. Kiner, Vice-Chairperson

The Endorsement Committee reviewed the updated Endorsement and/or Reciprocity Matrix. The Committee directed that the Matrix be included with all endorsement applications.

APPLICATION COMMITTEE REPORT – Jeffrey M. Kiner, Vice-Chairperson

The Committee reviewed 24 applications for examination, 31 for additional business entities, 6 transfers, 2 endorsements and 2 certifications of registered license. Mr. Kiner presented the list of Approved/Approved Contingent/Tabled Applications beginning with *Archer, George, Solid Gold Development Corporation*, and ending with *Hansen, Seth, Daktronics, Inc.*

MOTION: Ms. Small moved to accept the list of Approved/Approved Contingent/Tabled Applications all categories.

SECOND: Mr. Bellemare.

The board voted on the motion. The motion passed unanimously.

Mr. Kiner presented the list of Denied Applications beginning with *Canales, Eduardo*; and ending with *Kennedy, Daniel*.

MOTION: Ms. Small moved to accept the list of Denied Applications all categories.

SECOND: Mr. Bellemare.

The board voted on the motion. The motion passed unanimously. The Application Committee also directed staff to inquire of the Building Code Administrators and Inspectors Board (BCAIB) if in fact, competency cards were still being issued by local municipalities for locally licensed contractors.

Approved/Approved Contingent/Tabled Applications – All Categories

ADDITIONAL BUSINESS ENTITES

- | | | |
|--|---|---|
| 1. Archer, George
Solid Gold Development
Corporation | 12. Davis, William
Broadband Cable
Communications, Inc. | <i>2004 meeting of the Board
with the understanding that
the applicant's rights to
agency action pursuant to
12.60(1), F. S., are waived
per Mr. Miller's fax dated
March 15, 2004.</i> |
| 2. Belcher, Charles
Belcher Enterprises, LLC | 13. Dudley, Carlton
Burgess and Dudley
Incorporated | |
| 3. Birth, David A.
Camouflage Electric, Inc. | 14. Godfrey, Albert G.
Raffa Electrical Services,
Inc. | |
| 4. Boardwine, Joseph
Michael Barlow Electric,
<i>TABLED until May 2004
meeting of the Board.</i> | 15. Hazouri, Robert E.
Future Works
Communications, Inc. | |
| 5. Botknecht, David
HW Automation, Inc. | 16. Howard, Mark
Mark Howard Electric, Inc. | 22. Morejon, Elpidio
Pinar Electric LTD, Inc. |
| 6. Breen, Matthew J.
National Infotech Services,
LLC | 17. Keefe, Jack Edward
Centra-Larm Monitoring,
Inc. | 23. Neilinger, Eric
All Fire Alarm Services, Inc. |
| 7. Burch, Hashay Christopher
Safehouse Security
Solution, Inc. | 18. Korte, Dirk J.
Advanced Protection
Systems, LP | 24. Nichols, Robert George
Diversified Systems, Inc. |
| 8. Carlisle, John
Quinco Services, Inc. | 19. Kroger, H. Henry
U.S. Heating & Air
Conditioning, Inc., -
<i>TABLED until May 2004
meeting of the Board.</i> | 25. Oliver, Michael S.
Icon Security, Inc. |
| 9. Carter, Larry B.
Mazaco Electric, Inc. | 20. Mesa, Raul
Gonzalez Security Systems
Sales, Inc. | 26. Rennebu, Paul Elliot
Rennebu Electric, Inc. |
| 10. Crews, Jack Walter Sr.
Florida Home Air
Conditioning and Appliance
Company | 21. Miller, Raymond C.
Advanced Link Systems
Inc., - <i>TABLED until May</i> | 27. Robinson, Corey
Production Systems and
Design LLC |
| 11. Douglas, Robert Eugene
In Home Technology, Inc. | | 28. Roseman, Ronald
Coastal Electric
Maintenance &
Construction, Inc. |
| | | 29. Scott, Leland Mark
Safetyguard Systems, Inc.,
- <i>APPROVED
CONTINGENT pending
submission of detailed
bankruptcy discharge
detailing all collections and
amounts owed.</i> |

- | | | |
|-------------------|-----------------------------------|--|
| 30. Urban, Joseph | Himes Electrical Service,
Inc. | 31. Wright, Christopher T.
American Medical Alarms,
Inc. |
|-------------------|-----------------------------------|--|

ENDORSEMENTS

- | | |
|-----------------------------------|--|
| 1. Hammond, Gary
Nuthin', Inc. | 2. James, Roy M.
GE Automation Services, Inc. |
|-----------------------------------|--|

TRANSFERS

- | | |
|---|--|
| 1. Earnest, Michael
Marine Electric, Inc. | 4. Pasetti, Lawrence T. III
Ameritech Security Services, Inc. |
| 2. Henry, William
First Detection Systems of Florida, Inc. | 5. Ramon, Lorente
Power Source Electrical Contractors, Inc. |
| 3. Krapf, Richard
Viasys Utility Services, Inc. | 6. Wright, Christopher T
Palm River Electric, Inc. |

CERTIFICATION OF REGISTERED LICENSE (GRANDFATHERING)

1. Wieland, Robert
Bryan Electric of Madison, Inc.

UNLIMITED ELECTRICAL CONTRACTOR EXAM

- | | |
|----------------------|----------------------|
| 1. Borkowski, Robert | 5. Lirosi, Gregory |
| 2. Cochran, Gregory | 6. Vergona, Michael |
| 3. Diebold, Martin | 7. Wisniewski, James |
| 4. Fanfan, Henry | 8. Wynn, Thomas |

CERTIFIED ALARM CONTRACTOR I EXAM

- | | | |
|--------------------|--------------------|-------------------|
| 1. Fleming, Dennis | 2. Greene, Phillip | 3. Harris, George |
|--------------------|--------------------|-------------------|

CERTIFIED ALARM CONTRACTOR II EXAM

- | | |
|---------------|------------------|
| 1. King, Gary | 2. Perez, Raydel |
|---------------|------------------|

CERTIFIED SPECIALTY ELECTRICAL CONTRACTOR EXAM

Limited Energy Exam

- | | | |
|---------------------|-------------------|---------------------|
| 1. Baranosky, Jon | 3. Garcia, Rene- | 5. Terrell, Richard |
| 2. Debeeld, Randall | 4. Godwin, Samuel | |

Sign Specialty Exam

1. Lykins, Paul

Lighting Maintenance Exam

1. Verges, Leo

Utility Line Exam

1. Baez, Gregory

BUSINESS ENTITY

- | | | |
|--|--|------------------------------------|
| 1. Mayer, Joseph
Prism Multimedia Inc | 2. Moore, Edward
Moore Smart Homes Inc. | 3. Hansen, Seth
Daktronics Inc. |
|--|--|------------------------------------|

Denied Applications – All Categories

CERTIFICATION OF REGISTERED LICENSE

1. Canales, Eduardo – *DENIED; only has 3 years & 4 months as an electrical inspector to be used toward 5 years; no active ER time s. 489.514(2)(c), F. S.*

UNLIMITED EXAM

1. Norwood, Lorenn – *DENIED; 489.511(2)(a) 3., F. S., 61G6-5.003(1)(b) 1., F. A. C., for an electrical contractor at least 40% of the work experience must be 3-phase.*
2. Tucker, Steven – *DENIED; 489.511(2)(a) 3., F. S., 61G6-5.003(1)(b) 1., F. A. C., for an electrical contractor at least 40% of the work experience must be 3-phase; worked 3-phase on a cruise ship, did not work for a contractor.*

ALARM II EXAM

1. Kennedy, Daniel – *DENIED; s. 489.511(2)(a) 3. C., has at least 6 years of training, technical education, or broad experience within 12 years of applying; doesn't specify commercial experience; doesn't have 6 years in November 2004; doesn't have 6 years of W2 forms; doesn't have 6 years shown on applicant job list, from & to.*

CONTINUING EDUCATION COMMITTEE – Arnaldo L. Abreu

Mr. Abreu presented the list of CE Courses and FASA Courses Approved/Approved Contingent/Tabled, beginning with the *Advanced Benefits Inc.; Understanding Business Succession & Estate Planning*, and ending with the *Contractors Institute, Florida Construction Laws & Rules (Internet Format)*.

MOTION: Mr. Abreu moved to accept the list of CE Courses and FASA Courses Approved/Approved Contingent.

SECOND: Mr. Sandefer.

The board voted on the motion. The motion passed unanimously.

MOTION: Mr. Abreu moved to accept the list of CE Courses and FASA Courses Tabled.

SECOND: Mr. Roberts.

The board voted on the motion. The motion passed unanimously.

Mr. Abreu presented the list of Denied CE Courses and FASA Courses Applications beginning with *Contractors Exam School, Computers in Construction* and ending with *Commercial Pool Schools, Public Pool Construction and Operation*.

MOTION: Mr. Sandefer moved to accept the list of denied CE Courses and FASA Courses Applications.

SECOND: Mr. Bellemare.

The board voted on the motion. The motion passed unanimously.

CE Applications - Classroom

A. Advanced Benefits Inc.

1. Understanding Business Succession & Estate Planning – *APPROVED, applicable to all audiences.*
2. Understanding Business Retirement Planning – *APPROVED.*

B. Titan Continuing Education

1. Electrical Principles and Practice – *APPROVED.*

C. Alarm Association of Florida, Inc.

1. Increasing the Life Safety Integrity of Fire Alarm Systems - *APPROVED*

D. Florida Association of Electrical Contractors

1. "Power Quality" – *APPROVED.*
2. "2004 Construction & Lien Law Update" - *APPROVED, applicable to all audiences.*
3. Fiber Optics 101 - *APPROVED, applicable to all audiences.*
4. Video Surveillance For a Digital Age – *APPROVED.*

E. Palm Beach Notices, Inc.

1. Construction Lien Law And More, Seminar A – *APPROVED CONTINGENT pending acceptance of 5(B), 1(C), 1(S).*
2. Construction Lien Law And More, Seminar B – *APPROVED CONTINGENT pending acceptance of 6(B) only.*

- F. Electrical Contractors Assoc. of N. W. Florida
 - 1. Contractor's Basic Guide to Insurance – *APPROVED for 4(B).*
- G. National Electrical Contractors Assoc.
 - 1. Applications & Benefits of Modular Wiring in Commercial & Industrial Situations166 – *APPROVED.*
- H. Construction Estimating Institute
 - 1. Financial Accuracy & Control – *TABLED; pending clarification of number of hours and providing method of presentation and evaluation.*
 - 2. Cost Control Scheduling - *TABLED; pending clarification of number of hours and providing method of presentation and evaluation.*
- I. Sensor System
 - 1. Getting into the Fire- Introduction to Fire Alarms – *APPROVED.*
 - 2. Fire Alarm Notification Requirements – *APPROVED.*
 - 3. Fire Detectors & Signaling Devices for Residential Applications – *APPROVED.*
 - 4. 2000 International Fire Code – *APPROVED.*
 - 6. NFPA 72 Changes 1999 vs. 1996 – *APPROVED.*
- J. Gold Coast School of Construction
 - 1. Advanced training- Part I Structural Wind Loading Criteria – *APPROVED.*
 - 2. Advanced Training- Part II Structural Wind Loading Criteria – *APPROVED.*
- K. Adcox Group Inc.
 - 1. Construction Safety & New Florida Building Code – *APPROVED CONTINGENT on providing proper description of hours.*
- L. Associated Builders and Contractors of FL, Inc.
 - 1. Heart- saver CPR with AED – *APPROVED.*
 - 2. Fall Protection - *APPROVED, applicable to all audiences.*
 - 3. Trenching and Excavation – *APPROVED.*
 - 4. Scaffold Safety - *APPROVED, applicable to all audiences.*
 - 5. NEC Questions and Answers for the Electrical Exam – *APPROVED, applicable to all audiences.*
 - 6. How to Handle an OSHA inspection – *APPROVED CONTINGENT pending acceptance of 4(S).*
- M. Occupational Safety Training, Inc.
 - 1. OSHA Compliance for the Construction Industry – *APPROVED.*

CE APPLICATIONS – Classroom: Renewals

- A. Florida AGC Council Inc.
 - 1. Florida Construction Law & Business Practices - *APPROVED, applicable to all audiences.*

2. Florida Construction Law & Florida Prompt Pay Law - *APPROVED, applicable to all audiences.*
- B. National Electrical Contractors Assoc.
1. Changes to NFPA, 70, NEC - *APPROVED, applicable to all audiences.*
 2. Overcurrent Protection and Safety Codes and Standards - *APPROVED, applicable to all audiences.*
 3. National Electrical Installation Standards - *APPROVED, applicable to all audiences.*
- C. Associated Builders and Contractors of FL, Inc
1. Electrical Calculations and the NEC - *APPROVED, applicable to all audiences.*
 2. National Electrical Code Class – *APPROVED CONTINGENT on addition of 10-minutes of instruction.*
 3. Confined Space Entry Awareness – *APPROVED, applicable to all audiences.*
 4. Business Practice - *APPROVED, applicable to all audiences.*
 5. First Aid Essentials - *APPROVED, applicable to all audiences.*
 6. Worker's Compensation - *APPROVED, applicable to all audiences.*
 7. OSHA- 10 Hour - *APPROVED, applicable to all audiences.*
 8. Construction Lien Law - *APPROVED CONTINGENT pending acceptance of 9(B) and submitting a completed attest statement.*
- D. Gordon “Don” Brindley Education
1. Proper Mounting Heights, Fixtures, Outlets, Alarms & Elevator Controls in Accordance, Florida Accessibility Code - *APPROVED.*
 2. Analysis of the most Significant Changes in the Latest Edition of the NEC. - *APPROVED.*
 3. Chapter 489, Contracting 440 Workers Comp. And OSHA Occupational Safety & Health. - *APPROVED.*

CE APPLICATIONS – Internet/ Home- study Format

- A. Gold Coast School of Construction Inc.
1. OSHA- Internet Version (Internet) - *APPROVED.*
 2. Energy- Internet Version (Internet) - *APPROVED.*
 3. The Principles & Practices of FL Law (Internet) - *APPROVED CONTINGENT pending acceptance of 2(B).*
- B. Construction Industry Training Council of Washington
1. NEC Update Online Course (Internet) – *APPROVED.*

FIRE ALARM SYSTEM AGENT APPLICATIONS- Classroom

- A. Alarm Association of Florida, Inc
 - 1. Alarm Installation Requirements - *APPROVED*.
- B. System Sensor
 - 1. Fire Detectors & Signaling Devices for Residential Applications - *APPROVED*.
 - 2. 2000 International Fire Code - *APPROVED*.
 - 3. NFPA 72 Changes 1999 vs. 1996 - *APPROVED*.
 - 4. Getting into the Fire- Introduction to Fire Alarms - *APPROVED*.
 - 5. Fire Alarm Notification Requirements - *APPROVED*.

FIRE ALARM SYSTEM AGENT APPLICATIONS- Classroom

- A. Alarm Association of Florida, Inc.
 - 1. Alarm Installation Requirements - *APPROVED*.

TABLED FROM LAST MEETING

- A. Contractors Institute
 - 1. Florida Construction Laws & Rules - *APPROVED*.
 - 2. Florida Construction Laws & Rules (Internet Format) - *APPROVED*.

Denied Applications – All Categories

CE APPLICATIONS - Classroom

Contractors Exam School

- 1. Computers in Construction – *DENIED; course as presented does not meet criteria of presentation per Rule 61G6-9.005(2)(a)(b)(c)(d)(e); method of evaluation does not meet the above.*

Commercial Pool Schools

- 1. Public Pool Construction and Operation – *DENIED; on grounds that course is not pertaining to electrical industry except for 20-minutes; 61G6-9.006(5), F. A. C.*

GENERAL SESSION

Mr. Tibbs reminded the Board that joint meetings must take place with the Construction Industry Licensing Board (CILB) in accordance with s. 489.507(6), F. S. Mr. Knap reported that the Chairman of the CILB had in fact been invited to the present meeting but for reasons unknown had failed to appear.

The board reviewed correspondence from Miriam Wilkinson, Esq., on behalf of Charles Hood, candidate for certification of a registered license; correspondence from Anthony B. Spivey, Executive Director, BCAIB to, Lawrence T. Cox, Cox Electric, concerning issuance of permits for electrical signs;

correspondence from Gregory Spence, Government Analyst I, ECLB, to Robert Worthy, Secur Technologies, Inc., regarding approval of an emergency registration pursuant to ss. 489.523, F. S.; correspondence from John T. Knap, Executive Director, ECLB, to John T. Bonaccorso, Quality Maintenance and Repair, regarding military active duty-reserve exemptions; and correspondence from the City of Miami Beach regarding ss. 489.105(13); 489.115(2)(d); and 489.1195(1)(a), F. S. Highlights included:

- The board took no action regarding Ms. Wilkinson's correspondence dated January 27, 2004.
- The board deemed Mr. Spivey's response to Mr. Cox dated January 28, 2004, sufficient and thank Mr. Spivey for his informative reply.
- The board deemed Mr. Spence's reply to Mr. Worthy sufficient and thanked Mr. Spence for his reply.
- The board deemed Mr. Knap's reply to Mr. Bonaccorso sufficient and thanked Mr. Knap for his reply. Ms. Scott-Hill, Esq., noted that nothing in Chapter 489, Part II, places a limitation on how close (geographically) a licensee has to be in order to supervise a business.
- Subsequent to discussions with Board Counsel Mary Ellen Clark, Esq., and Tim Vacarro, Esq., Executive Director, CILB, the City of Miami Beach withdrew its inquiry.

OLD BUSINESS

The Board engaged in discussion concerning the City of Boca Raton Municipal Code 7-63 UL Listed Contractors. Board staff invited the pertinent persons from the City of Boca Raton, City of West Palm Beach, and Palm Beach County to participate in the discussions. Present for the discussion were: John Johnson, Assistant Fire Chief, City of Boca Raton Fire Rescue; John McKirchy, Esq., Assistant City Attorney, City of Boca Raton; Javier Olartè, Underwriters Laboratories (UL); Lt. Jeff Collins, Palm Beach County Fire Rescue; Chief Prisciaki, City of West Palm Beach Fire Rescue; Capt. Mike Corsello, City of West Palm Beach Fire Rescue; Nick Scalero, Underwriters Laboratories (UL); Bill Adams, Assistant Fire Chief, City of Delray Beach Fire Department; Robert Worthy, Secur Technologies, Inc. Roy Pollack, Alarm Association of Florida. Ms. Clark stated that the City of Boca Raton had informed her that a response to her letter dated December 24, 2003 was forthcoming. Ms. Poole requested that a copy of the forthcoming response be forwarded to her as soon as possible so that she could work with some of the professional associations in her area. Highlights of discussion included:

- City of Boca Raton has required UL Certification on all new alarm system installations, or replaced alarm systems since 1996.
- Third-party verification (UL) of alarm system installations "is a big help" to local fire rescue personnel in making sure that "alarm systems are kept up in proper working order" and has resulted in a decrease to responses for false alarms.
- Ms. Clark sent a letter dated December 24, 2003 challenging the validity of the City of Boca Raton's ordinance.
- John McKirchy, Esq., sent a letter on the City's behalf on February 12, 2004 stating that the City sought an interpretation of the National Fire Protection Association (NFPA) regarding the ability to require that a central station be installed by a UL certified installer. Mr. McKirchy's letter included a March 15, 1999 response from the Department of Insurance, Fire Safety Division, indicating that the City could require a UL listed central station, further to which the City determined that the only way to get a UL listed central station installed would be by a UL certified installer.
- The ECLB could acquire evidence opposing the theory that the only way to obtain a UL listed central station is to have it installed by a UL certified contractor.
- The board's concern was that the City's requirement for a UL listed central station was also being interpreted to mean a UL listed alarm system installation as well.

- The City contended that alarm system installations must be certificated and in order for an alarm system to be certificated a UL listed contractor need not install the alarm system, but it must be inspected and certificated by a UL listed contractor.
- The City contended that an electrical contractor could apply for and receive UL certification to install an alarm system (UL).
- The board inquired as to why ECLB licensees are required to obtain an “extra” certification to install a UL listed system.
- The board stated that the majority of the equipment installed by its licensees is UL certified, or certified by a third party, but the contractors themselves doing the installations have never been required to be UL certified to install the equipment.
- The City contended that when all the individual components of a system are applied together UL is certificating all the components as working together as one unit.
- The board stated that electrical contractors often do power studies on large projects and such studies are usually based on UL equipment to ensure that the power system coordinates from the lowest point to the highest point in order to protect the facility. ECLB licensees are licensed to install UL listed equipment and alarm systems and the nature of the licenses does not detract from the UL listing of a given piece of equipment.
- The City stated that the bottom line comes down to the “end-user” or “owner of the property.” The City requires UL certification at the end of the job. The contractor doing the work has to provide in his up-front costs and bid to the owner, the costs to certificate the system.
- The board inquired as to what code was the requirement for certification found.
- The City responded that NFPA Article 72, requires that the system be placarded or certificated by a third party.
- The board stated that by virtue of their licenses, contractors have the right to certificate a system. The state has given the ECLB the authority to issue licenses and under that authority the ECLB indicates that a licensee is qualified and competent to do that work.
- UL offered that the National Fire Alarm Code allows for different types of services to be provided to a subscriber. The services will be provided by alarm service companies using UL listed equipment but the installation of the equipment itself doesn’t mean that the certification is provided also. The certification portion comes in when you provide the service that is required by the National Fire Alarm Code. The National Fire Alarm Code requires that the services be contractual agreements to provide complete certification of a system, that includes the monitoring, the re-transmission of the signal, the record recording, the installation, the runner service and maintenance and testing. All of these services have to be provided in order to receive certification, not just the installation of the equipment. Electrical contractors and alarm system contractors could be certificated and UL listed to provide those services but they would have to provide all the services to comply with the National Fire Alarm Code for central stations.
- The board stated that the NFPA code refers to central station only and that the City is extrapolating the code to mean at the site of the building and the board takes exception to a private entity who has a financial interest in this matter dictating to the board what it has to do.
- The board questioned how can the City tell the contractor whom to use for third-party verification when UL themselves are unlicensed. Chapter 489, Part II specifically prohibits inspections performed by unlicensed persons.
- The board expressed that no data had been presented to indicate that UL certificated systems reduced false alarms in any way.
- The application for a contractor to become UL certificated is expensive and a recurring cost.
- The initial application and listing fee for UL is \$2,500.00 and \$2,500.00 respectively. The certificate fee is \$55.00 per year. The annual listing fee after initial listing is \$2,250.00.
- The board stated that UL is being compensated to inspect fire alarm systems and work on fire alarm system in the State of Florida when they are not licensed to do so.

- The City contended that a system is not certificated until it is completely checked and every device is tested in compliance with NFPA 72. When UL checks are done the UL Inspectors come to the Fire Chief first and then go out with Fire Inspectors and do not touch the system and a Fire Inspector accompanies a UL Inspector at all times.
- The City stated that out of 1300-1400 fire alarm systems in the City, approximately 300 were UL certificated.
- The City decided that in accordance with NFPA 72, third-party verification is necessary. By requiring UL to be the third-party verification, the City believes it is saving its citizens money and providing a better service to the business or property owners by certificating the alarm systems and making sure the systems are up and running.
- The board indicated that Palm Beach County had been “courted” by UL and “sold” on UL’s certification program. Of approximately 1200 UL systems in the state, 700 – 800 of them are in Palm Beach County. Nassau County and Volusia County are unanimously opposed to UL system certification.
- The board stated that a licensed contractor who installs an alarm system should be able to certify his or her installation.
- The City countered that the contractor who installs the system can certify the installation but he or she cannot certificate or placard the system.
- The ECLB questioned why the Fire Inspectors were not required to be UL certified or UL listed to perform inspections, but the contractors are being required to be UL certified or UL listed to perform the installations.
- The City responded that UL certification, or UL listing of a Fire Inspector is not a state requirement.
- The ECLB inquired as to whether or not UL would represent or aid in the representation of a contractor who was sued by an end-user for the installation of a UL system.
- UL responded, “no.”
- UL charges contractors a great amount of money and collects compensation to receive UL certification and become UL listed, but UL is not a state licensed entity and will not assign a UL certified, or UL listed contractor as an additional insured on their insurance policies.
- The ECLB inquired as to how many systems were in service that were not certificated by UL in the Palm Beach County area.
- The City responded that there were no other companies used for the certification of a system.
- The board stated that the City had created a monopoly for UL in the Palm Beach area.
- The City contended that a person could open a FM dealership and compete with UL. FM would placard the systems.
- The board asked the City and assembled parties to offer some suggestions to resolve the issue.
- The board asked the UL representatives, why out of 67 counties in the State of Florida, only two counties are requiring UL certification and why does the City assume it’s correct when the majority of the State of Florida disagrees with the requirements.
- UL responded that the AHJ’s (Authority Having Jurisdiction) don’t understand that there is an option they could choose for the process of certification.
- The board stated that Orange County, for example, does not choose UL.
- UL responded that for those jurisdictions that don’t make such a choice, by “true” definition of NFPA 72, the alarm system companies in that area cannot say they provide central station service because they don’t follow the rules of NFPA 72.
- The board inquired that because a UL central station in Orange County was not installed by a UL listed contractor, the alarm system contractor cannot say they are providing central station monitoring.
- UL responded in the affirmative, because NFPA 72 defines what central station service is and what the requirements for central station monitoring are and third-party verification is a requirement.
- The cost of UL certification for a UL certificated system could be detrimental to a small business.

- The board stated that the adoption of UL by Palm Beach County for certificating alarm systems was unnecessary because Chapter 489, Part II already gives authority to its licensees to do so. Nothing in UL will prevent a false alarm if it's induced by the system because of the way it's installed, because of the way it's supposed to work.
- The City countered that they've been requiring UL certification for eight (8)-years and there are at least twelve (12)-UL certified contractors in the City of Boca Raton and that UL certification does not put small businesses out of business. UL certification has helped the Fire Rescue staff maintain better records, and keep track of systems and inspections.
- The board stated that the City's practice circumvents Chapter 489, Part II.
- The board inquired as to whether or not a non-UL contractor could install an alarm system and then pays a UL listed contractor to certificate the system after installation.
- The City responded that a non-UL contractor could install an alarm system and then pay a UL listed contractor to certificate the system after installation, but the UL listed contractor would have to be the contractor applying for the alarm system permit.
- The City also stated that non-UL listed contractors might perform work on non-UL certificated systems.
- The City suggested the board make direct inquiries to the municipalities concerning home rule issues. It is not DBPR's position to say a home rule issue is inappropriate.
- The City stated that a state certified alarm system contractor has to be UL certified in order to perform work on a UL certificated system.
- UL stated they inspect approximately 10%-15% of the certificates held by a given company depending on the number of certificates held by the company.
- UL stated that 95% of the time they find deficiencies in fire alarm system installations. When a deficiency is found during an inspection UL sends a report to the alarm service company and allows a certain specific amount of time to correct the deficiencies and report back to UL.
- The board inquired if UL were licensed by the State of Florida.
- UL responded in the negative and that UL is a nationally recognized testing laboratory.
- The board stated that in the State of Florida, UL has to be licensed in order to perform inspections of fire alarm systems.
- UL contended that they follow NFPA, Chapter 7.
- The board stated that the City has over-stepped its bounds by requiring more than what the State Fire Marshall requires and that by requiring UL certification specifically, may be aiding and abetting an unlicensed entity in alarm system inspections.
- Some participants in the meeting suggested the City's better course of action was to bring to the ECLB contractors who fail to install alarm systems to code requirements instead of referring them to UL. The ECLB has jurisdiction over its licensees, not UL.
- The City suggested the ECLB lobby to have changes made to NFPA 72, or change it at the state level through legislation.
- The City stated that advantage they have with referring bad contractors to UL is that they can get a corrective response the same day.
- It is the Board's opinion that City of Boca Raton Municipal Code 7-63 UL Listed Contractors conflicts with the State's regulatory provisions in that it requires a certification above that required by Chapter 489, Part II.
- The board directed Ms. Clark to draft a response to the City of Boca Raton and to UL, concerning the board's position on this issue.

NEW BUSINESS

No discussion.

BOARD COUNSEL'S REPORT – Mary Ellen Clark, Asst. Attorney General

The majority of Ms. Clark's report was covered during the Rules Committee session and in review of Old Business. Ms. Clark also presented responses to Michael Gay, M. Gay Constructors, Inc.; and Ernest A. Salley, RCCD, Shoreline Telecom, concerning their improper petitions for declaratory statements.

EXECUTIVE DIRECTOR'S REPORT – John T. Knap

Mr. Knap presented updated statistics of the recent insurance audit and reported the ECLB Newsletter, Winter 2004 Volume had been published and was in circulation. To date, of 1,586- licenses audited, 124-violations were found, 83-cases have been opened, 12-citations were issued, and 1-case was sent to legal.

CHAIRPERSON'S COMMENTS – Clarence Tibbs, Chairperson

Mr. Tibbs thanked Board staff for their service to the Board. For the next meeting Mr. Tibbs directed that a discussion on photovoltaic (solar) systems contractors be included in the agenda. Mr. Tibbs also asked board staff to draft correspondence concerning low-voltage systems for distribution to the local building officials adding that if the installation of low-voltage equipment becomes a permanent part of the building or structure a license from the ECLB is required to perform the work. Mr. Tibbs asked board staff to review the matter of multiple licenses being issued to persons who qualify more than one (1)-business and to review the possibility of not using license numbers but tying the businesses to an individual.

Hearing no further business, Mr. Tibbs entertained a motion to adjourn. Ms. Poole moved to adjourn. Meeting adjourned.