

**MINUTES FROM THE  
JULY 21-22, 2004  
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING**

**The Embassy Suites Tampa – USF/Busch Gardens  
3705 Spectrum Blvd.  
Tampa, FL 33612  
Tel: 813.977.7066**

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

**PLEDGE OF ALLEGIANCE AND INVOCATION** – Kimberly A. DeBerry and Paul Sandefer

**ROLL CALL- Members Present**

Pierre Bellemare  
Kimberly DeBerry  
Jeffrey Kiner, Vice-Chairman  
Roger Langer  
Norman Mugford  
Donald C. Penner  
Lewis Roberts  
Paul Sandefer  
Rae Small  
Clarence Tibbs, Chairperson

**ROLL CALL- Members Absent**

Arnaldo L. Abreu

**OTHERS PRESENT**

John T. Knap, Executive Director  
Gregory Spence, Government Analyst I  
Mary Ellen Clark, Esq., Assistant Attorney General  
Gail Scott-Hill, Esq., Chief Appellate Attorney  
Drew F. Winters, Esq., Assistant General Counsel  
Michele Galeski, Court Reporter, Dreyer and Associates

**CITY OF BOCA RATON, SEC. 7-38 CITY OF BOCA RATON CODE OF ORDINANCES, AUTOMATIC FIRE-EXTINGUISHING & DETECTION SYSTEMS – Mary Ellen Clark, Esq., Assistant Attorney General**

The board discussed further developments concerning the City of Boca Raton requiring UL Certification for all contractors performing new alarm system installations, or replacing an alarm system. Highlights of discussion included:

- ◆ Mr. Knap reported that he'd received a letter from a contractor in the Delray Beach area who was denied the issuance of a permit to install a fire alarm system because he did not hold a UL Certification in addition to his State of Florida Certified License.
- ◆ Chapter 633, F. S., is an impediment to resolving the issue because there is no reciprocity between Chapters 633 and 489, Part II, F. S.
- ◆ The ECLB does not have standing to sue to the City of Boca Raton.
- ◆ A contractor negatively impacted by the City's ordinance would have to bring suit against the City.
- ◆ No single contractor wants to sue the City or UL.
- ◆ Bob Neeley, Executive Director, Alarm Association of Florida (AAF), reported that AAF is working on the problem and would continue to pursue it.
- ◆ Opinion that jurisdiction for Fire Marshall compliance issues lies within Chapter 633, not in Chapter 489, Part II.
- ◆ Opinion that requiring all contractors to be UL Certified is a jurisdictional issue.
- ◆ Opinion that the State Fire Marshall should be ensuring compliance under Chapter 633, F. S., not contractors.
- ◆ Suggestion to have a meeting with the State Fire Marshall and the Secretary of the Department.

**DISCUSSION ON PERFORMANCE STANDARDS FOR PRIVATIZATION**

The board discussed and reviewed ECLB performance standards for privatization prepared by the Department. The ECLB standards measured reflected Fiscal year 2003-2004. Highlights of discussion included:

- ◆ Complaint Analysis to Field Investigation – 29.8 days; Professions Overall – 36.9 days.
- ◆ Complaint Analysis to Closed Administratively – 60.1 days; Professions Overall – 95.9 days.
- ◆ Investigations – 113.1 days; Professions Overall – 161.3 days.
- ◆ Lapsed Time from Receipt of Complaint to Legal Prosecution – 223.2 days; Professions Overall – 350.2 days.
- ◆ Total Calls for ECLB – 18,753 inbound; 753 transferred to board office.
- ◆ Average Number of Days to Process Non-deficient License Applications – 4.
- ◆ Average Number of Days to Process Non-deficient Exam Applications – 93.
- ◆ Average Number of Days to Process License Reconsiderations - 22.
- ◆ Average Number of Days to Process Exam Reconsiderations – 48.

- ◆ For future meetings the board would like to review and discussed performance standards in separate categories for licensed and unlicensed activity.
- ◆ Department staff will provide monthly statistics on performance measures.
- ◆ The board will review and discuss past performance standards and measures for comparative purposes.

**PETITION FOR WAIVER OR VARIANCE - Mary Ellen Clark, Esq.,  
Assistant Attorney General**

**Christopher Rudolph, Chris Rudolph Power Factor, Inc., Seeking a Waiver or Variance of Rule 61G6-5.004, F. A. C. Requirement for Certified Qualifying Agent – VW 2004-039.**

In a petition filed on April 27, 2004, Mr. Rudolph wrote in part:

*"...Reduce the amount of minimum net worth to \$2,000.00 for one person or small corporations...I have been licensed as a Certified Electrical Contractor in the State of Florida since 1999, doing business as Chris Rudolph's Power Factor (EC 0002091), a sole proprietorship. Chris Rudolph Power Factor is now incorporated (Oct. 2003), per the direction given by the DBPR and I have a current workers comp exemption issued by the Dept. of Financial Services. I have no employees and operate this business by myself part time to augment my retirement income and to pull electrical permits and perform electrical rough in and trim out for Winter Park/Maitland Habitat for Humanity as a non-paid, volunteer, Electrical Contractor. The total gross income projected for Chris Rudolph Power Factor, Inc., for 2004 is \$12,000.00...[T]he reason why the variance or waiver requested would serve the purposes of the underlying statute: Chris Rudolph Power Factor, Inc., has met all the financial responsibility requirements of the applicable Florida Statutes 489.521(3)(a) and Florida Admin. Code, Chapter 61G6 paragraph 5.004, with this one exception. It seems to me that a corporation that has less than \$12,000.00 gross income should not be subjected to the same min. net worth requirements of larger corporations."*

Mr. Rudolph was neither present nor represented by counsel. The board entered into discussion regarding Mr. Rudolph's petition. Highlights of discussion included:

- ◆ Some member's expressed concern that there would be no way to regulate the business's growth and potential beyond what Mr. Rudolph has indicated.
- ◆ The board's consideration is limited only to the facts stated in the petition per s. 120.542, F. S.
- ◆ The board was advised that they could not waive a statute only a rule if a rule restates a statute then you can't get around it as long as the rule restates the statute.
- ◆ Suggestion that s. 455.215, F. S., would allows the board to issue "limited licenses" in some cases.
- ◆ Some members intoned that Mr. Rudolph's intent was "good."
- ◆ Some member's expressed concern regarding Mr. Rudolph's ability to serve clients other than Winter Park/Maitland Habitat for Humanity.
- ◆ Opinion that the board would have to base its decision on the specific facts of the petition and the board could grant a variance or waiver with restrictions.

- ◆ Opinion that the imposition of restrictions would limit Mr. Rudolph's ability to practice and potentially limit his growth.

After discussion:

MOTION: Mr. Bellemare moved to approve a variance from Rule 61G6-5.004, F. A. C., Requirement for Certified Qualifying Agent, with the conditions that Mr. Rudolph have no employees; Mr. Rudolph submit a financial statement evidencing a minimum of \$2,000.00 positive net worth; Mr. Rudolph earns no more than \$20,000.00 per year to augment his retirement income in the spirit of s. 455.214, F. S.

SECOND: Mr. Roberts.

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

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

**Rhonda Montoya Hasan, Esq., Senior Assistant City Attorney, City of Miami Beach, FL**

**Petition for Declaratory Statement of the Electrical Contractors' Licensing Board Requesting Clarification of ss. 489.521(2)(a)1; 489.505(14) and (15); 489.522, F. S.**

In a petition filed with the department on June 1, 2004, and amended on June 16, 2004, Ms. Montoya Hasan wrote in part:

*"...[C]an the City of Miami Beach designate a primary trade qualifier for different departments, i.e., Public Works, Property Management, based upon the idea that a City department would fall under the definition of 'legal entity under Fla. Stat. Sec. 489.521(2)(a)1? Using the definition of the applicant as noted in this specific section, can it be properly concluded an individual department in the City is a separate legal entity? The City has divisions which perform completely separate work. For example, there would be electric work and electrical permits pulled on City buildings, structures and anything outside of the right of way, handled by the Property Management Department. Then, the Public Works Department handles electric work and electrical permits for utility work, performed in the right of way. Secondly, if the answer to that question is in the affirmative, would each 'primary' trade qualifier have sole responsibility for their own work in the designated department, or organization, or would each of the City's primary/initial trade qualifier(s) be deemed legally responsible for all such trade work done by the City as a whole under Fla. Stat. Sec. 489.505(14), (15) and 489.522? Lastly, if an individual City department would not be considered a separate legal entity, may the City still properly designate a primary trade qualifier for different departments?... While it is clear that under Fla. Stat. Sec. 489.503(2) that a municipality is exempt from this part as long as the repairs, etc., do not exceed \$200,000.00. Could the last sentence of this section of this section be construed to mean that a municipality may divide the project into separate components as*

*the City is not a school board, Board of Regents or community college and thus be exempt from this part?..."*

Ms. Montoya Hasan was present. The board entered into discussion regarding the City's petition. Highlights of discussion included:

- ◆ The petition was predicated by a labor issue at the City of Miami Beach.
- ◆ Ms. Montoya Hasan stated that Ms. Clark had been "incredibly helpful" and thanked her for her assistance.
- ◆ The labor divisions involved include two (2)-departments with different responsibilities and different chains-of-command.
- ◆ The board determined that two (2)-departments of the City could be construed as separate entities and not share legal responsibilities.
- ◆ Opinion that s.489.503, F. S., Exemptions; are not applicable. City would be exempt from licensure if it were a public utility.

MOTION: Mr. Sandefer moved to enter a determination that the City of Miami Beach, Public Works Department and Property Management Department are in fact separate legal entities wherein each respective qualifier is responsible for each separate entity.

SECOND: Mr. Mugford.

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

### **DISCIPLINARY CASES – Drew F. Winters, Assistant General Counsel**

**Mark J. Nash**  
**c/o Glenda L. Thornton, Esq.**  
**Foley & Lardner**  
**106 East College Avenue, Suite 900**  
**Tallahassee, FL 32301-7732**  
**Case No.: 2002-008546**  
**License Number: ER 0014897**  
**Recused: Kiner, Mugford, Small**

At the request of the respondent, through counsel, this case was continued from the May 2004 meeting of the board held in St. Augustine, FL.

Mr. Nash was not present, but represented by counsel, Glenda L. Thornton, Esq., Foley & Lardner, P. A. Mr. Winters introduced the matter for the record. The case was before the board for Final Order Adopting Settlement Stipulation. Mr. Winter's recommended the board adopt the Settlement Stipulation in toto.

On October 30, 2003, the Department filed an Administrative Complaint in Case No.: 2003-008546 charging the respondent with a violation of s. 489.533(1)(j), F. S., by performing any act which assists a person or entity in engaging in the prohibited uncertified and unregistered practice of contracting, if the certificateholder or registrant knows or has reasonable grounds to know that the person or entity was uncertified and

unregistered. On May 6, 2004 the Department entered a Settlement Stipulation with respondent imposing as penalty a \$1,000.00 Administrative Fine; \$364.24 Administrative Costs; the fine and costs payable to the Department within thirty (3)-days of the entry of a Final Order accepting this Settlement Stipulation. To ensure successful payment of the Administrative Fine and Costs respondent's license shall be suspended immediately upon filing of the Final Order, however provided that the suspension would be stayed for thirty (30)-days from the filing of the Final Order.

During the review of the complete record the board expressed concerned about respondent's disregard of Florida laws with respect to contracting and applicable Worker's Compensation Insurance laws. After review of the complete record the board took the following action:

MOTION: Mr. Bellemare moved to reject the Settlement Stipulation.

SECOND: Mr. Langer.

The board voted on the motion. The motion passed unanimously. Discussion ensued with Ms. Thornton concerning the terms of the Settlement Stipulation proposed by the Department and respondent's electrical contracting practice in the State of Florida. After discussion:

MOTION: Mr. Langer moved to propose a Counter-Stipulation imposing a penalty of \$1,000.00 Administrative Fine; \$364.24 Administrative Costs; one (1)-year probation with quarterly reports; reporting of the disciplinary action to the State of Georgia Construction Industry Licensing Board, Electrical Division and allowance of fifteen (15)-days to accept the proposed Counter-Stipulation.

SECOND: Mr. Bellemare.

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

Ms. Thornton asserted that the Department had not acted in good faith with respect to the Settlement Stipulation entered into on May 6, 2004. Ms. Clark explained that the board reserved the right to reject any proposed stipulation and offer a counter-stipulation as stated in paragraph 16., of the Settlement Stipulation. Mr. Winters stated that the Department had indeed acted in good faith and objected to Ms. Thornton's allegation. Ms. Thornton stated she would review the matter with her client.

**Albert Bryant**  
**18210 N. W. 16<sup>th</sup> Avenue**  
**Miami, FL 33169**  
**Case No.: 2003-083026**  
**License Number: ER 0012533**  
**Recused: Kiner, Mugford, Small**

On March 30, 2004, the Department filed an Administrative Complaint in Case No.: 2003-083026 charging the respondent with a violation of s. 489.533(1)(a), F. S., by failing to comply with s. 455.227(1)(q), F. S. The respondent failed to timely file an Election of Rights form.

The Department recommended that the Board enter a Final Order finding that the respondent violated the provisions of Chapter 489, Part II, F.S., and the imposition of one or more of the following penalties: place on probation, reprimand the license, revoke, suspend, deny the issuance or renewal of the certificate or registration, require correction, impose an administrative fine not to exceed \$5,000 per violation, require continuing education, assess costs associated with investigation and prosecution, impose any or all penalties delineated within s. 455.227(2), F.S., and/or any other relief that the Board is authorized to impose pursuant to Chapters 489 and 455, F.S., and/or the rules promulgated thereunder.

Mr. Bryant was not present nor represented by counsel. Mr. Winters introduced the matter for the record. After consideration of the complete record, the Board took the following action:

MOTION: Mr. Sandefer moved that the Department properly noticed the respondent.

SECOND: Mr. Langer.

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

MOTION: Mr. Sandefer moved to approve the Department's Motion for Waiver of Rights and Final Action in this matter.

SECOND: Mr. Kiner.

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

MOTION: Mr. Sandefer moved to adopt the Findings of Fact and the Conclusions of Law as alleged in the Administrative Complaint.

SECOND: Mr. Langer.

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

MOTION: Mr. Langer moved to assess a penalty of \$423.84 investigative costs and \$1,500.00 administrative fine all payable within thirty (30)-days from the entry of the Final Order and suspension of Mr. Bryant's license until all fines and costs have been paid and Mr. Bryant makes an appearance before the board to terminate the suspension.

SECOND: Mr. Sandefer.

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

**Jim L. Carmen**  
**164 Haverhill Road S.**  
**West Palm Beach, FL 33415**  
**Case No.: 2003-094383**  
**License Number: EC 0002900**  
**Recused: Kiner, Mugford, Small**

On May 14, 2004, the Department filed an Administrative Complaint in Case No.: 2003-094383 charging the respondent with a violation of s. 489.533(1)(r) and (2), F. S., by proceeding on any job without obtaining applicable local building department permits and inspections; and a violation of s. 489.533(1)(f) and (2), F. S., by committing fraud or deceit, or negligence, incompetency, or misconduct in the practice of electrical or alarm system contracting. On June 21, 2004 the respondent entered a Settlement Stipulation with the Department imposing as penalty a \$100.00 Administrative Fine; \$233.42 Administrative Costs; the fine and costs payable to the Department within thirty (30)-days of the entry of a Final Order accepting this Settlement Stipulation. To ensure successful payment of the Administrative Fine and Costs respondent's license shall be suspended immediately upon filing of the Final Order, however provided that the suspension would be stayed for thirty (30)-days from the filing of the Final Order.

Mr. Carmen was neither present nor represented by counsel. Mr. Winters introduced the matter for the record. Mr. Spence stated the respondent had paid the fine and costs imposed by the Stipulation. After review of the complete record the board took the following action:

MOTION: Mr. Langer moved to adopt the Settlement Stipulation.

SECOND: Mr. Bellemare.

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

**William L. Hromadka**  
**c/o James C. Campbell, P. A.**  
**#4 - 11<sup>th</sup> Avenue, Suite 2**  
**Shalimar, FL 32579**  
**Case No.: 2002-015393**  
**License Number: ET 0000494**  
**Recused: Kiner, Mugford, Small**

On December 19, 2003, the Department filed an Administrative Complaint in Case No.: 2002-015393 charging the respondent with a violation of s. 489.533(1)(j), F. S., by performing any act which assists a person or entity in engaging in the prohibited uncertified and unregistered practice of contracting, if the certificateholder or registrant knows or has reasonable grounds to know that the person or entity was uncertified and unregistered; and a violation of s. 489.533(1)(h), F. S., by practicing electrical contracting on a revoked, suspended, inactive, or delinquent certificate or registration. On July 18, 2004 the Department entered a Settlement Stipulation with the respondent imposing as penalty a \$1,500.00 Administrative Fine; \$812.82 Administrative Costs; the fine and costs payable to the Department within thirty (30)-days of the entry of a Final Order accepting this Settlement Stipulation. To ensure successful payment of the Administrative Fine and Costs respondent's license shall be suspended immediately

upon filing of the Final Order, however provided that the suspension would be stayed for thirty (30)-days from the filing of the Final Order. The respondent's shall be placed on probation for a period of six (6)-months beginning from the termination of the suspension.

Mr. Hromadka was not present or represented by counsel. Mr. Winters introduced the matter for the record. After review of the complete record the board took the following action:

MOTION: Mr. Sandefer moved to adopt the Settlement Stipulation.

SECOND: Mr. Bellemare.

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

**Darryl Merigliano**  
**2740 S. W. Martin Downs Blvd., #224**  
**Palm City, FL 34990**  
**Case No.: 2003-081778**  
**License Number: EC 0002034**  
**Recused: Kiner, Mugford, Small**

On May 14, 2004, the Department filed an Administrative Complaint in Case No.: 2003-081778, charging the respondent with a violation of s. 489.533(1)(r), F. S., by proceeding on any job without obtaining applicable local building department permits and inspections.

Mr. Merigliano timely filed an Election of Rights Form but did not dispute the material facts alleged in the Administrative Complaint and requested to be heard on the conclusions of law and issue of penalty.

The Department recommended that the Board enter a Final Order finding that the respondent violated the provisions of Chapter 489, Part II, F.S., and the imposition of one or more of the following penalties: place on probation, reprimand the license, revoke, suspend, deny the issuance or renewal of the certificate or registration, require correction, impose an administrative fine not to exceed \$5,000 per violation, require continuing education, assess costs associated with investigation and prosecution, impose any or all penalties delineated within s. 455.227(2), F.S., and/or any other relief that the Board is authorized to impose pursuant to Chapters 489 and 455, F.S., and/or the rules promulgated thereunder.

Mr. Merigliano was present but not represented by counsel. Respondent was sworn in by the court reporter. Mr. Winters introduced the matter for the record. Mr. Merigliano entered a statement to discuss mitigation and offered testimony on his behalf. After consideration of the complete record, the board took the following action:

MOTION: Mr. Bellemare moved to accept the Findings of Fact and the Conclusions of Law as alleged in the Administrative Complaints.

SECOND: Ms. DeBerry.

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

MOTION: Mr. Sandefer moved to impose as penalty a \$100.00 Administrative Fine and \$454.76 Administrative Costs, the fine and costs payable to the Department within thirty (30)-days of the entry of a Final Order.

SECOND: Ms. DeBerry.

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

### **PROSECUTING ATTORNEY REPORT – Gail Scott-Hill, Esq., Chief Appellate Attorney**

Ms. Scott-Hill directed the Board's attention to her report handed out prior to the meeting. Details of the report included the following as of July 19, 2004:

- ◆ 80-cases assigned to Office of the General Counsel (OGC) after investigation.
- ◆ 24-cases set for Probable Cause.
- ◆ 2-cases where an Administrative Complaint has been filed.
- ◆ 0-cases where Probable Cause has been found.
- ◆ 5-cases awaiting outside action.
- ◆ 9-cases where Formal Hearing has been requested.
- ◆ 0-cases sent to consultant/expert.
- ◆ 6-cases set for board presentation.
- ◆ 1-case referred to DOAH.
- ◆ 0-cases for settlement negotiations.
- ◆ 0-cases ready for default.
- ◆ 3-cases for Stipulation or Request for Informal Hearing.
- ◆ 0-cases requiring supplemental investigation.
- ◆ Total 13-year old cases.

Ms. Scott-Hill directed the Board's attention to the Unlicensed Activity Report prepared by Laura Gaffney, Chief Attorney, Unlicensed Activities Section, OGC. Details of the report included the following:

- ◆ 47-cases in the OGC.
- ◆ 3-cases awaiting further investigation/expert report.
- ◆ 8-cases set for Probable Cause.
- ◆ 14-cases where an Administrative Complaint has been filed.
- ◆ 2-cases requesting an Informal Hearing.
- ◆ 1-case where Formal Hearings have been requested.
- ◆ 2-cases for Default/failed to respond to AC.
- ◆ 0-cases on appeal.
- ◆ 17-cases hearing held; awaiting Final Order.

## **APPLICATION COMMITTEE – Jeffrey M. Kiner, Vice-Chairperson**

### **Second Business Applications**

Present during this portion of the meeting were: Larry Babbitt, Homeland Security Systems, Inc.; Marc A. Clarke, Bloomen International, LLC d/b/a: Pro Air Conditioning and Electric; Robert Duross, Bee, Inc.; Michael Falcone, J & J Multiservices, LLC; James Ferranti, Watson Maintenance Services, Inc. d/b/a: Watson Electric; Robert M. Frank, Your Eye in the Sky, LLC; Jorge Luis Hernandez, BBS Trading, Inc., d/b/a: Techno Art Signs, Inc.; Bruce W. Hoch, Digital Communications Services, Inc.; Scott J. Hudson, Big Dog Technology, Inc.; John Lane, SNC. Inc., d/b/a: DNC Inc. of Kansas; Joseph Lynch, Creative Security Systems, Inc.; Steven Matula, Energize Alarms, Inc.; Ronald C. Mooney, High Caliber Electric Corp.; Michael Oliver, LL Marketing Concept, Inc., d/b/a: Safeway Protection; Matthew D. Patterson, C & D Diversified Systems, Inc.; Dominick, Jr. Porretto, Total Power Electric, Inc.; Edward Warminski, Triumph Communications Corp.

Subsequent to hearing discipline and prior to the review of Second Business Applications, Michael Oliver, elected to withdraw his application to qualify LL Marketing Concept, Inc., d/b/a: Safeway Protection.

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. Mr. Kiner asked specifically of the each license holder:

- ◆ *“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. After review of each individual application Mr. Kiner advised each licensee that the Committee's recommendation at this time was only a recommendation and would be subject to approval by the entire board on the following day.

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

### **Lorenn Norwood**

#### **Application Denial – Certified Electrical Contractor Examination**

On or about August 15, 2002, Mr. Norwood submitted an application for certified electrical contractor examination. The application was reviewed by the board at a duly

announced public meeting on March 17-18, 2004, in Boca Raton, FL. The board denied the application on the grounds the application failed to demonstrate Mr. Norwood's experience met the eligibility requirements established by Rule 61G6-5.003(1)(c) 1, F. A. C., in that at least 40% of Mr. Norwood's experience was in 3-phase service. The Notice of Intent to Deny was filed with the Department on April 2, 2004, and serviced to Mr. Norwood by return receipt certified mail on April 2, 2004. Mr. Norwood received the document on April 6, 2004 and timely submitted an Election of Rights Form. Notice of the hearing date, time and location was serviced to Mr. Norwood on June 16, 2004, scheduling the hearing for July 22, 2004 at 9:00 a. m.

Mr. Norwood 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. Norwood's application, employment and experience. After discussion:

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

SECOND: Ms. Small.

The board voted on the motion. The motion failed by a vote of 4 – in favor and 6 – opposed.

Mr. Norwood requested to change the classification of his application from certified electrical contractor to certified residential specialty electrical contractor examination. The board agreed and granted his request.

MOTION: Mr. Sandefer moved to rescind the board's previous denial and approve Mr. Norwood's application contingent upon Mr. Norwood changing the application reflect the certified residential specialty electrical contractor examination.

SECOND: Mr. Langer.

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

### **Mauricio del Corral Application Denial – Certified Alarm System Contractor II Examination**

On or about April 5, 2004, Mr. del Corral submitted an application for certified alarm system contractor II examination. The application was reviewed by the board at a duly announced public meeting on May 26-28, 2004, in St. Augustine, FL. The board denied the application on the grounds that the application failed to show that Mr. del Corral had the required work experience pursuant to s. 489.511(2)(a) 3, F. S., in that Audio Video Gallery, Inc., is not a licensed electrical contractor.

The Notice of Intent to Deny was filed with the Department on June 16, 2004, and serviced to Mr. del Corral by return receipt certified mail on June 16, 2004. Mr. del Corral received the document on June 18, 2004 and timely submitted an Election of Rights form on June 24, 2004. Notice of the hearing date, time and location was serviced to Mr. del Corral on June 30, 2004, scheduling the hearing for July 22, 2004 at 9:00 a. m.

Mr. Tucker was present and sworn in, but was not represented by counsel. Ms. Clark introduced the matter for the record. Mr. del Corral addressed the board and read for the record a letter addressed to the board. The content of the letter included Mr. del Corral's education, employment history and 26-years experience in the low-voltage industry. The board entered into discussion regarding Mr. del Corral's application, experience and current business organization. During discussion it was revealed that Mr. del Corral was presently seeking a licensed individual to qualify his business. After discussion:

**MOTION:** Mr. Bellemare moved to reverse the previous denial of Mr. del Corral's application.

**SECOND:** Mr. Mugford for discussion.

Further discussion ensued concerning Mr. del Corral's current business, Audio Video Gallery, Inc., and the fact that it has been and is now, unlicensed. During discussion Mr. del Corral explained that it was his intent to recruit a licensed qualifier immediately and then qualify the business himself after being approved for and passing the exam.

**MOTION:** Mr. Bellemare moved to amend his previous motion to reverse the denial of Mr. del Corral's application and approve it contingent based upon Mr. del Corral's 26-years of experience and Mr. del Corral notifying the board of who the proposed qualifying agent will be.

**SECOND:** Mr. Mugford.

The board voted on the motion. The motion passed by a vote of 8 – in favor and 2 - opposed.

### **William Pavela Application Denial – Certification of a Registered License**

On or about January 30, 2004, Mr. Pavela submitted an application for certification of a registered license. The application was reviewed by the board at a duly announced public meeting on May 26-28, 2004, in St. Augustine, FL. The board denied the application on the grounds that on or about December 14, 1992, Mr. Pavela was convicted of a felony that resulted in the loss of his civil rights, that had not yet been restored. Pursuant to s. 112.011(1)(b), F. S., Mr. Pavela would not have been eligible for professional licensure without the restoration of his civil rights.

The Notice of Intent to Deny was filed with the Department on June 24, 2004, and serviced to Mr. Pavela by return receipt certified mail on June 24, 2004. Mr. Pavela received the document on or about June 29, 2004 and timely submitted an Election of Rights Form. Notice of the hearing date, time and location was serviced to Mr. Pavela on June 30, 2004, scheduling the hearing for July 22, 2004 at 9:00 a. m.

Mr. Pavela 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. Pavela's application and criminal history. During discussion Mr. Spence stated that in discussion with Mr. Pavela prior to the meeting and upon further scrutiny of the application and supporting documentation, it was established that the felony conviction

that occurred on or about December 14, 1992, was in fact not Mr. Pavela's, but his wife's felony conviction. Mr. Pavela stated that his wife had been removed from the corporation as an officer. After discussion:

MOTION: Mr. Sandefer moved to reverse the previous denial.

SECOND: Mr. Tibbs.

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

**Richard Brothers**  
**Application Denial – Limited Energy Systems Specialty Contractor Examination**

On or about April 2, 2004, Mr. Brothers submitted an application for limited energy systems specialty contractor examination. The application was reviewed by the board at a duly announced public meeting on May 26-28, 2004, in St. Augustine, FL. The board denied the application on the grounds that application failed to show that Mr. Brothers had the required work experience with a licensed contractor, pursuant to s. 489.511(2)(a) 3, F. S., and Rule 61G6-5.003(1), F. A. C.

The Notice of Intent to Deny was filed with the Department on June 16, 2004, and serviced to Mr. Brothers by return receipt certified mail on June 16, 2004. Mr. Brothers received the document on or about June 19, 2004 and through counsel, Edwin Bayò, Esq., Gray Robinson, P.A., timely submitted an Election of Rights Form. Notice of the hearing date, time and location was serviced to Mr. Brothers, through Mr. Bayò on July 5, 2004, scheduling the hearing for July 22, 2004 at 9:00 a. m.

Mr. Brothers was present and sworn in, and represented by counsel, Edwin Bayò, Esq., Gray Robinson, P.A. Ms. Clark introduced the matter for the record. The board entered into discussion regarding Mr. Brothers' application, employment and experience. During discussion Mr. Bayò pointed out to the board that Mr. Brothers' experience was gained through employment with Meridian Telecom, Inc., an entity regulated by the Florida Public Service Commission (PSC), and thereby is exempt from licensure under Chapter 489, Part II, F. S. After discussion:

MOTION: Mr. Sandefer moved to reverse the denial of Mr. Brothers' application.

SECOND: Mr. Mugford.

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

**RECONSIDERATIONS – Mary Ellen Clark, Esq., Assistant Attorney General**

**Hewlett Waldron**  
**Application Denial – Certified Unlimited Electrical Contractor Examination**

This matter first came before the board at a duly noticed public meeting on January 22-23, 2004, in Key West, FL. The board denied the application on the grounds that the

application failed to demonstrate Mr. Waldron's work experience met the eligibility requirements established by s. 489.511(2)(a) 3., F. S., in that Mr. Waldron's documented experience failed to demonstrate the Mr. Waldron's work experience met the eligibility requirements established by Rule 61G6-5.003(1)(c) 1., F. A. C., in that at least 40% of Mr. Waldron's work experience was in 3-phase service.

Upon receipt of the Notice of Intent to Deny, Mr. Waldron submitted an Election of Rights Form, requesting a Formal Hearing pursuant to s. 120.57(1), F. S. The Notice of Intent to Deny was filed with the Department on April 1, 2004, and serviced to Mr. Waldron by return receipt certified mail on April 1, 2004. Mr. Waldron received the document on April 3, 2004, and timely submitted an Election of Rights Form on April 16, 2004 petitioning for a Formal Hearing pursuant to s. 120.57(1), F. S.

On or about April 20, 2004, Board Counsel Mary Ellen Clark, contacted Mr. Waldron and advised him that because he had not identified any evidentiary matters in dispute, nor made clear his desire to supplement his application, Ms. Clark suggested that Mr. Waldron hold his petition for Formal Hearing in abeyance, pending review by the board of any additional information Mr. Waldron would like to submit in support of his application. Notice of the hearing date, time and location was serviced to Mr. Waldron, on April 26, 2004, scheduling a reconsideration for May 14, 2004 at 9:00 a. m., and a corrected notice rescheduling the hearing, date, time and location was sent on May 5, 2004, scheduling the hearing for May 27, 2004 at 8:30 a. m., to which Mr. Waldron neither responded or made clear his intentions. Subsequently, Ms. Clark recommended the board withhold action until Mr. Waldron made clear his intentions to either supplement his application for reconsideration or proceed with his petition for Formal Hearing.

In an email message dated July 7, 2004, Mr. Waldron stated:

*"Dear Mrs. Clark:*

*After having the conversation with you on July 29, I recognized that all the document pertaining to my application was put in offsite storage. We sold our home on the July 23, and is in temporary housing for about a month until we could find a home that we like. It is coincidental and very untimely for me at this time just when some positive direction is given to me. I am trying my best to resurrect some of the original document plus validation on my 3-phase experience. It is deeply gratifying to me for the personal attention you have given to this matter, and I must take the opportunity to thank you so much. My late response is not an indication of dedication to obtaining my license but a coincident of timing. I will try as soon as possible to correspond with Greg. Thanks again."*

MOTION: Mr. Sandefer moved to grant a continuance until the September 2004 board meeting.

SECOND: Mr. Kiner.

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

**David A. Strickland**  
**Application Denial – Certified Unlimited Electrical Contractor Examination**

This matter first came before the board at a duly noticed public meeting on May 26-28, 2004, in St. Augustine, FL. The board denied the application on the grounds that the application failed to show that Mr. Strickland had the required work experience, pursuant to s. 489.511(2)(a) 3, F. S.

Upon receipt of the Notice of Intent to Deny, Mr. Strickland submitted an Election of Rights Form, requesting to supplement his application and a Formal Hearing pursuant to s. 120.57(1), F. S. The Notice of Intent to Deny was filed with the Department on June 16, 2004, and serviced to Mr. Strickland by return receipt certified mail on June 16, 2004. Mr. Strickland received the document on June 18, 2004, and timely submitted an Election of Rights form on July 2, 2004 petitioning for a Formal Hearing pursuant to s. 120.57(1), F. S.

On or about July 9, 2004, Board Counsel Mary Ellen Clark, contacted Mr. Strickland and Mr. Strickland agreed to hold the petition for Formal Hearing in abeyance pending a reconsideration of the application. Notice of the hearing date, time and location was serviced to Mr. Waldron, on July 12, 2004, scheduling a reconsideration for July 22, 2004 at 9:00 a. m.

Mr. Strickland was not present, nor represented by counsel. Ms. Clark introduced the matter for the record. The board entered into discussion regarding Mr. Strickland's application, experience and licensure as a professional engineer. During discussion Mr. Spence pointed out that in the application Mr. Strickland has selected as qualification for examination, licensure as a professional engineer for at least three (3)-years within the last twelve (12)-years immediately preceding the filing of the application and that Mr. Strickland had provided copies of his license as a professional engineer to supplement the application. The supplemental information indicated that Mr. Strickland has been continuously licensed as a professional engineer in the State of Florida since April 26, 1993. After discussion:

MOTION: Mr. Sandefer moved to reconsider the application.

SECOND: Mr. Mugford.

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

MOTION: Mr. Sandefer moved to reverse the denial of Mr. Strickland's application.

SECOND: Mr. Langer.

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

### **LEGISLATIVE COMMITTEE REPORT – Norman Mugford**

Mr. Mugford provided a copy of Florida Attorney General Advisory Legal Opinion; Public Records – Security Systems – Disclosure of Name and Address of Security System Owners (ss. 119.071 and 281.301, F. S.). Details of the Attorney General's advisory are as follows:

Florida Attorney General Advisory Legal Opinion

Number: AGO 2004-28  
Date: June 18, 2004  
Subject: Disclosure of name & address of security system owner

Mr. Nicholas F. Tsamoutales  
Palm Bay City Attorney  
1900 Palm Bay Road, Northeast  
Suite G  
Palm Bay, Florida 32905-7538

RE: PUBLIC RECORDS–SECURITY SYSTEMS–disclosure of name and address of security system owners. ss. 119.071 and 281.301, Fla. Stat.

Dear Mr. Tsamoutales:

You ask substantially the following questions:

1. Are the names and addresses of applicants for security system permits public records open to inspection and copying?
2. Are the names and addresses of persons or businesses cited or warned for violations of a city alarm ordinance public records open to inspection and copying?
3. Are addresses of police dispatches resulting in a determination of a false alarm or verified alarm public records open to inspection and copying?

Due to their interrelated nature, your questions will be answered together.

Section 281.301, Florida Statutes, provides:

"Information relating to the security systems for any property owned by or leased to the state or any of its political subdivisions, and *information relating to the security systems for any privately owned or leased property which is in the possession of any agency as defined in s. 119.011(2)*, including *all records*, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof relating directly to or *revealing such systems* or information, and all meetings relating directly to or that would reveal such systems or information *are confidential and exempt from ss. 119.07(1) and 286.011 and other laws and rules requiring public access or disclosure.*" (e.s.)

The legislative history for section 281.301, Florida Statutes, notes that the original exemption was expanded in 1990 so that it would "include information relating to the security systems for any privately owned or leased property, when such information is in the possession of any agency as defined in s. 119.011(2), F.S." [1] Section 281.301, Florida Statutes, has been interpreted by this office to include the security information that a private entity provides to a governmental entity such as a law enforcement agency. [2] For example, this office has noted that records (such as blueprints) from private entities on file with a law enforcement agency for crime prevention purposes are exempt from disclosure due to this statute. Similarly, a security needs assessment on file with an agency was determined to be exempt. [3]

The exemption contained in section 281.301, Florida Statutes, was clarified and recreated in section 119.071, Florida Statutes, during the 2001 legislative session.[4] Section 119.071, Florida Statutes, as subsequently amended,[5] states:

"A security system plan or portion thereof for:

- (1) Any property owned by or leased to the state or any of its political subdivisions; or
- (2) Any privately owned or leased property

which plan or portion thereof is held by any agency, as defined in s. 119.011, is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. 1 of the State Constitution. As used in this section, the term a 'security system plan' includes *all records*, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendation, or consultations or portions thereof relating directly to the physical security of the facility or *revealing security systems*; threat assessments conducted by any agency as defined in s. 119.011 or any private entity; threat response plans; emergency evacuation plans; sheltering arrangements; or manuals for security personnel, emergency equipment, or security training. . . ."(e.s.)

In its specific finding of a public necessity for the exemption, the Legislature emphasized that security plans, both public and private, are a vital part of public safety, including the safety of services, such as telecommunications, on which the public relies. The statement further discussed the need to protect public and private infrastructure from terrorist attack.[6] It would appear that the Legislature expanded the definition of "security system plan" to include threat assessments, threat response plans, emergency evacuation plans, sheltering arrangements, or manuals.

The general purpose of Chapter 119, Florida Statutes, is "to open public records to allow Florida's citizens to discover the actions of their government." [7] Provisions of the act are to be liberally construed in favor of open government, while exemptions from disclosure are narrowly construed so they are limited to their stated purpose.[8] Any doubt as to the applicability of an exemption should be resolved in favor of disclosure.[9]

In this instance, the plain language of sections 281.301 and 119.071, Florida Statutes, makes confidential all records revealing a security system. While in the wake of the terrorist attacks of September 11, 2001, the Legislature expanded the definition of "security system plan" and expressed the need to protect such plans for the public's safety, the underlying protection of "all" information that would "reveal" the existence of a security system was maintained.

One of the most fundamental rules of statutory construction is that a court must give a statutory term its plain and ordinary meaning.[10] The term "all" means "every; any whatever"[11] and would appear to provide no limitation on the type or form of information that may fall within the statute's coverage, if such information "reveals" a security system. To "reveal" is "to make something publicly known; divulge." [12] The information sought is the name and address of individuals having security systems in their homes or businesses as evidenced by permits obtained for the installation of such systems, citations for violations of alarm ordinances, or dispatches of law enforcement for verified or false alarms. The disclosure of the names and addresses contained in the specified records would necessarily reveal the existence of security systems.

It is my opinion, therefore, that sections 281.301 and 119.071, Florida Statutes, preclude public disclosure of the name and address of applicants for security system permits, of persons cited for violations of alarm ordinances, or of individuals who are the subject of reports of dispatches of law enforcement for verified or false alarms.

Sincerely,

Charlie Crist  
Attorney General

CC/tls

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[1] See House of Rep. Committee on Governmental Operations, HB 2513 (July 15, 1990) Final Staff Analysis & Economic Impact Statement.

[2] See *generally*, Op. Att'y Gen. Fla. 93-86 (1993), stating that the exemption "extends to information relating to the security systems not only for property owned or leased to the state or its political subdivisions, but also for privately owned or leased property which is in the possession of an agency."

[3] See Op. Att'y Gen. Fla. 01-75 (2001).

[4] Section 1, Ch. 2001-361, Laws of Fla. (2001).

[5] Section 1, Ch. 2003-16, Laws of Fla. (2003).

[6] See s. 3, Ch. 2001-361, Laws of Fla. (2001).

[7] *Christy v. Palm Beach County Sheriff's Office*, 698 So. 2d 1365, 1366 (Fla. 4th DCA 1997).

[8] *Krischer v. D'Amato*, 674 So. 2d 909, 911 (Fla. 4th DCA 1996); *Seminole County v. Wood*, 512 So. 2d 1000, 1002 (Fla. 5th DCA 1987), *rev. denied*, 520 So. 2d 586 (Fla. 1988).

[9] *Tribune Company v. Public Records*, 493 So.2d 480 (Fla. 2d DCA 1986), *rev. den. sub nom.*, *Gillum v. Tribune Company*, 503 So. 2d 327 (Fla. 1987).

[10] See, e.g., *Rollins v. Pizzarelli*, 761 So. 2d 294, 298 (Fla. 2000) and *Green v. State*, 604 So. 2d 471, 473 (Fla. 1992).

[11] Webster's Third New International Dictionary (unabridged) at p. 54.

[12] *Id.* at p. 1942.

**RULES COMMITTEE REPORT – Kimberly A. DeBerry**

The board reviewed the July 2004, Rules Report prepared by Mary Ellen Clark, Esq., and discussed the definition of the term “trade.” Ms. Clark provided materials wherein the definition of trade as used in the construction industry was construed to have several meanings. The term was being examined for possible rule development in the near future. Highlights of the report included:

July 2004 Rules Report

Rule	Title	Published	Approved	Noticed	Adopted	Effective
61G6-5.005	Financial Responsibility; Definitions, Grounds for Denial	2/20/04	3/17/04	4/09/04	5/18/04	6/8/04
61G6-5.006(1)	Certification of additional new business entity or transfer	12/19/03	1/22/04	2/20/04 JAPC Letter Rule Withdrawn		
61G6-9.004(6)	Continuing Education Requirements	5/14/04	5/28/04	6/25/04		
61G6-9.005	Registration of Course Providers	4/9/04				
61G6-9.006	Approving of Continuing Education Courses	4/9/04				
61G6-12.0015	Requirements for Burglar Alarm System Identification Card	7/2/04				
61G6-12.0016	Continuing Education Requirements for Burglar Alarm System Agents	7/2/04				

The full text of the proposed rules is as follows:

**61G6-5.005 Financial Responsibility; Definitions; Grounds for Denial.**

(1) For purposes of this rule, the phrase “financial responsibility” is defined as the ability to insure that the public, the laborers, the materialmen, the supplier and other parties with whom the applicant will do business as an electrical contractor, will not sustain economic losses resulting from the electrical contractor’s inability to pay his obligations to them.

(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.

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, 6-8-04.

### **61G6-9.004 Continuing Education Requirements for Renewal for Certificateholders and Registrants.**

(1) through (5) No change.

(6) A minimum of zero of the 14 required classroom hours of continuing education must be obtained by completing an approved provider's specialized or advanced module course, approved by the Florida Building Commission, on any portion of the Florida Building Code, relating to the contractor's respective discipline.

Specific Authority 120.52(15), 120.54(1), 455.2124, 489.507(3) FS.  
Law Implemented 455.2124, 489.513(3), 489.517(3) FS. History—New 11-30-94, Amended 4-22-01, 8-15-04.

**61G6-12.0015 Requirements for Burglar Alarm System Agent Identification Card.**

After the completion of the course outlined in Rule 61G6-12.001, F.A.C., the licensee shall issue identification cards to each of the alarm system agents. The card shall be at least 3 1/4 x 2 1/4 inches in size. The card shall contain: 1 x 1 1/4 inch full face picture of the alarm system agent; name of the holder of the card; name and license number of the unlimited electrical contractor or licensed alarm system contractor; name and address of the business organization; signature of the contractor and the card holder; and issue date and expiration date of the card. The expiration date must be within 2 years of the issue date. The identification card must be in the possession of the burglar alarm system agent while engaged in the all burglar alarm system agent duties. The card shall be issued in the following format:

<b><u>BURGLAR ALARM SYSTEM AGENT</u></b>	
<u>The bearer of this card has met the training requirements pursuant to Chapter 489.518 Florida Statutes.</u>	
<u>PHOTO HERE</u>	<u>Name: Tom Brown</u> <u>Business: Alarm Center, Inc.,</u> <u>Address: 1940 N. Monroe St.</u> <u>Tallahassee, FL 32399</u> <u>Signature: Tom Brown</u>
<hr/>	
<u>Qualifier: John Doe</u> <u>Signature: John Doe</u> <u>Issued: October 1, 2004</u>	<u>License # EC 0012345</u> <u>Expires: September 30, 2006</u>

Specific Authority 489.507(3) FS. Law Implemented 489.507(3), 489.518(4)(a),(b) FS. History–New \_\_\_\_\_.

**61G6-12.0016 Continuing Education Requirements for Burglar Alarm System Agents.**

Each burglar alarm system agent must attend 6 hours of Board-approved continuing education on burglar alarm system installation and repair and false alarm prevention every 2 years, from a Board-approved sponsor of training and through a Board-approved training course as outlined in Rule 61G6-12.001, F.A.C. The contractor shall reissue an identification card which shall state the bearer of the card has met the 6 hours of continuing education pursuant to Section 489.5185, F.S.

Specific Authority 489.507(3) FS. Law Implemented 489.507(3), 489.518(4)(d),(5) FS. History–New \_\_\_\_\_.

<b><u>BURGLAR ALARM SYSTEM AGENT</u></b>	
<u>The bearer of this card has met the <b>training</b> and CE requirements pursuant to Chapter 489.518 Florida Statutes.</u>	
<u>PHOTO HERE</u>	<u>Name: Tom Brown</u> <u>Business: Alarm Center, Inc.</u> <u>Address: 1940 N. Monroe St.</u> <u>Tallahassee, FL 32399</u> <u>Signature: Tom Brown</u>
<hr/>	
<u>Qualifier: John Doe</u> <u>Signature: John Doe</u> <u>Issued: October 1, 2004</u>	<u>License # EC 0012345</u> <u>Expires: September 30, 2006</u>

During the discussion Ms. Clark suggested the Committee consider development of Rules 61G6-11.001, F. A. C., Citations; and Rule 61G6-5.008, F. A. C., Public Liability and Workers' Compensation Insurance; for purposes of future insurance audits. For consideration at the September 2004 meeting, the Committee will also draft proposed language to amend Rule 61G6-9.002, F. A. C., Continuing Education for Reactivation.

MOTION: Mr. Sandefer moved to approve develop of Rules 61G6-9.005 and 61G6-9.006, F. A. C.

SECOND: Mr. Mugford.

The board voted on the motion. The motion passed unanimously. Mr. Abreu will assist in the development of these rules.

MOTION: Ms. DeBerry moved to approve the proposed language as amended for Rules 61G6-12.0015 and 61G6-12.0016, F. A. C.

SECOND: Mr. Roberts.

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

In accordance with further development of a Business Exam Computer Based Test (Business Portion CBT) the Committee also voted to begin rule development on Rule 61G6-5.002, F. A. C., Application for Certification by Examination; Reexamination; Rule 61G6-6.001, F. A. C., Certification Examination Requirements; Rule 61G6-6.005, F. A. C., Reexamination; and 61G6-8.001, F. A. C., Fees. The full text of the proposed rules are incorporated in the Examination Committee Report.

### **UNLICENSED ACTIVITY (ULA) REPORT – Kimberly A. DeBerry**

The Committee reviewed a draft advisory bulletin for distribution to licensees of the Building Code Administrators and Inspectors Board (BCAIB) and discussed options of communicating more effectively with Department investigators. Highlights of discussion included:

**MEMORANDUM**

**TO: All Florida Building Code Administrators**

**FROM: John Knap, Executive Director, Electrical Contractors' Licensing Board**

**SUBJECT: (1) Permitting low-voltage work;  
(2) Proper licensure of lightning protection contractors.**

**DATE:**

It has come to the Department's attention that some building departments are issuing permits for low-voltage work to unlicensed contractors, or allowing low-voltage contracting/installation without a permit. Please be advised that Chapter 489, Part II, requires appropriate licensure to perform any electrical work, regardless of voltage level, unless otherwise exempted. The relevant provisions are as follows:

Section 489.505(12), Florida Statutes, in relevant part, defines "electrical contractor" as a person who conducts business in the electrical trade field and has the experience, knowledge, and skill to "install, repair, alter, add to, or design, in compliance with law, electrical wiring, fixtures, appliances, apparatus, raceways, conduit, or any part thereof, which generates, transmits, transforms, or utilizes electrical energy in any form. . ." The term "contractor" also includes any person, firm, or corporation that undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to engage in the business of electrical contracting.

The exemptions contained at section 489.503, Florida Statutes, do not include an exemption based on the amount of voltage involved; therefore, the low-voltage nature of the activity does not exempt it from regulation. The only low-voltage exemption available is under section 489.503, which permits sale or installation of finished products not fabricated into, or becoming a part of, the structure. This would exempt, for example, persons who provide and connect free-standing home theatre or stereo component systems that involve no installation of in-wall speakers. However, once the wiring, fixtures, etc., becomes a part of the structure (installing speakers or speaker wiring in the wall, for example), there is no exemption.

To that end, Rule 61G6-7.001(4), Florida Administrative Code, provides for a "Limited Energy Systems Specialty" license, the scope of which certification includes installation, repair, etc., of electrical wiring, fixtures, thermostats, raceways, conduit, and fiber optics, etc., that do not exceed 77 volts, when those items are for the purpose of transmitting data, video, cable television, radio frequency, central vacuum, electric locks, data distribution systems, home theatre systems, surround sound systems, public address systems, or telephone systems. (Please note that cable, telephone, or radio transmission systems

otherwise regulated as public utilities are, of course, subject to exemption from Chapter 489, Part II.)

Please be advised that the Building Department should permit no person or business to engage in low-voltage contracting without one of the following licenses:

- (A) Limited Energy Systems Specialty (ES 069 or ET 069), as described above;
- (B) Certified Electrical Contractor (EC);
- (C) Registered Electrical Contractor (ER);
- (D) Certified Alarm Systems Contractor I (EF);
- (E) Certified Alarm Systems Contractor II (EG);
- (F) Registered Alarm System Contractor I (EY);
- (G) Registered Alarm System Contractor II (EZ);

It has also come to the attention of the Department that some contractors are being permitted to install lightning protection devices, including surge protectors, without the proper licensure. Contractors installing these systems or devices must, at a minimum, be licensed as Certified Electrical Contractors (EC) or Registered Electrical Contractors (ER). Fire alarm, burglar alarm, and specialty licenses do not include this level of electrical contracting within their scope.

Please make sure that your department issues proper permits for all electrical work requiring licensure, and that it issues permits for that work only to properly licensed individuals. You may verify licensure of any individual on the Department's web site at [www.MyFlorida.com](http://www.MyFlorida.com). Click on "Business and Professional Licenses" and go to "Search for a Licensee." If you have any questions regarding licensure, please do not hesitate to contact my office.

- ◆ The board directed that language specific to lightning protection being over the 77-volt threshold be included because the wiring necessary to perform lightning protection exceeds the amount and type of wiring permitted by a low-voltage contractor's license.
- ◆ Department staff will edit the draft and bring final language before the board at the September 2004 meeting.
- ◆ The Committee recommended that staff provide the board members with a list of regional office contacts.
- ◆ Some Committee suggested the list of regional contacts be made available to the public as well to promote faster response from the Department.
- ◆ The Committee recommended the Department make available local numbers and email addresses for persons to report unlicensed activity as it's happening and to get immediate access to an investigator.

### **PROBATION COMMITTEE REPORT– Paul Sandefer**

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

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

SECOND: Ms. Small.

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

### **EXAMINATION COMMITTEE REPORT – Clarence Tibbs**

The Examination Committee revisited the March 9, 2004 Examination Summary, the March 9, 2004 Pass/Fail Report (revised) and held discussion concerning the development of a Business Portion CBT and applicable rule changes. Highlights of discussion included:

- ◆ 131 Candidates sat for the March 9, 2004 exam; 68 candidates, or 51.9% received a passing score; 48.1% of candidates failed the exam.
- ◆ Rule development for Business Portion CBT:

#### **61G6-5.002 Application for Certification by Examination; Reexamination.**

(1) An applicant for certification by examination or by endorsement shall submit the complete application form together with all supporting data (including information required to be submitted under Rules 61G6-5.004 and 61G6-5.003, F.A.C. if applicable) to the Department of Business and Professional Regulation. The application shall be accompanied by the application fee. All initial applications for examination must be completed and filed with the Department at least ninety (90) days prior to the date of the Technical/Safety examination that is administered by the Department. All applications not completed by the deadline will be automatically scheduled for the next examination. Correspondence, requests, information or other documents pertinent to the application must be postmarked twenty-one (21) days or received fourteen (14) days prior to any scheduled meeting of the Board. Items received after the fourteen (14) day period may not be considered until the next meeting of the Board. Any application that is not complete within one year from date of initial filing will be closed.

(2) All reexamination applications, and any other required forms and documents must be completed and filed with the Department at least forty-five (45) days prior to the date of the Technical/Safety examination for which the individual is applying.

(3) The applicant has one year from the date that his or her application was approved to complete both parts of a two-part examination – Technical/Safety and Business Computer-Based. The initial Business Computer-Based Test portion may be taken from the professional testing service at any time after the applicant has been approved to sit for the initial paper and pencil Technical/Safety examination. For reexamination on the Business Computer-Based Test, a reexamination application must also be completed.

There shall be a 21-day waiting period between retakes of the Business Computer-Based Test.

Specific Authority 489.507(3) FS. Law Implemented 489.511 FS. History–New 1-2-80, Amended 10-30-80, Formerly 21GG-5.02, Amended 10-30-88, 11-3-92, Formerly 21GG-5.002, Amended 4-5-95, Amended 5-13-03.\_\_\_\_\_.

MOTION: Mr. Sandefer moved to approve development of the proposed amendment to Rule 61G6-5.002, F. A. C.

SECOND: Mr. Bellemare.

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

**61G6-6.001 Certification Examination Requirements.**

(1) through (3) No change.

(4) An applicant shall be required to achieve a score of a general average of not less than seventy-five percent (75%) on each of the two parts 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, 4-26-04.\_\_\_\_\_.

MOTION: Mr. Sandefer moved to approve development of the proposed amendment to Rule 61G6-6.001, F. A. C.

SECOND: Mr. Mugford.

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

**61G6-6.005 Reexamination.**

(1) An applicant who fails the Technical/Safety certification examination or who does not appear at the examination shall be entitled to take the next examination upon payment of the reexamination fee and compliance with subsection two of this rule, if applicable. The Business Computer-Based Test may be taken up to three (3) times within the year starting with the date the candidate was initially approved to sit for the Technical/Safety examination for this application period. A reexamination must be completed for each attempt, and there shall be a 21-day waiting period between retakes on the Business Computer-Based Test.

(2) Prior to reexamination, an applicant who has taken and failed the certification examination portions 3 or more times, must complete a minimum of 7 hours of ~~continuing~~ remedial training/education courses in area(s), technical, general business or safety, where a passing grade of 75% was not achieved on the last exam portions. Only courses taken in an area(s) in which a passing grade was not received will be counted toward meeting this requirement. If more than one area was not passed, the applicant must take 7 hours of courses in each area where a passing grade was not achieved. Courses taken pursuant to this provision may not be used to satisfy any other educational requirement.

Specific Authority 455.217(2), 489.507(3) FS. Law Implemented 455.217(2), 489.511(3) FS. History—New 4-17-80, Formerly 21GG-6.05, Amended 7-3-91, Formerly 21GG-6.005, Amended 12-24-97, 9-21-00. \_\_\_\_\_.

MOTION: Mr. Sandefer moved to approve development of the proposed amendment to Rule 61G6-6.005, F. A. C.

SECOND: Ms. DeBerry.

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

**61G6-8.001 Fees.**

The following fees are prescribed by the Board:

(1) The application fee for the certification examination for electrical or alarm systems contractor shall be one hundred and fifty dollars (\$150.00). The initial examination fee for the Technical/Safety examination for electrical or alarm systems contractor shall be one hundred and fifty dollars (\$150.00) one hundred twenty-seven dollars and fifty cents (\$127.50) payable to the Department. The initial examination fee for the Business Computer-Based Test shall be twenty-two dollars and fifty cents (\$22.50) payable to the

professional testing service. When the computer-based testing (CBT) business portion of examination is not conducted by a professional testing service pursuant to Section 455.2171, F. S., the entire examination fee shall be payable to the Department.

(2) through (3) No change.

(4) The re-examination fee for the Technical/Safety certification examination shall be ~~one hundred and fifty dollars (\$150.00)~~ one hundred twenty-seven dollars and fifty cents (\$127.50) payable to the Department. The reexamination fee for the Business Computer-Based Test shall be twenty-two dollars and fifty cents (\$22.50) payable to the professional testing service. When the computer-based testing (CBT) business portion of examination is not conducted by a professional testing service pursuant to Section 455.2171, F.S., the entire examination fee shall be payable to the Department.

(5) through (10) No change.

MOTION: Mr. Mugford moved to approve development of the proposed amendments to Rule 61G6-8.001(1) through (10), F. A. C.

SECOND: Ms. DeBerry.

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

**61G6-8.001(11) Fees.**

(11) The fee for the review of an examination pursuant to the provisions of Chapter 455 and 489, Florida Statutes, shall be seventy-five dollars (\$75.00). The fee to the vendor for review of the Business Computer-Based Test (at the site where the original exam was taken) shall be thirty-five dollars (\$35.00).

(12) through (15) No change.

Specific Authority 455.217(2), 455.219(1), 489.507(3), 489.509 FS. Law Implemented 119.07(1)(a),(b), 455.217(2), 455.219(1), 455.271(8), 455.2281, 489.509, 489.511(2) FS. History—New 1-2-80, Amended 10-27-80, 5-13-81, 5-3-82, 8-4-82, 5-2-83, 1-19-84, Formerly 21GG-8.01, Amended 7-9-86, 12-24-87, 10-30-88, 2-20-89, 8-26-90, 4-1-91, 7-3-91, Formerly 21GG-8.001, Amended 3-14-94, 11-30-94, 4-5-95, 7-13-95, 12-25-96, 6-1-97, 3-10-98, 12-31-98, 10-4-99.\_\_\_\_\_.

MOTION: Mr. Sandefer moved to approve development of the proposed amendment to Rule 61G6-8.001(11), F. A. C.

SECOND: Ms. DeBerry.

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

**FINANCIAL BUDGET LIAISON – Clarence K. Tibbs**

No report. Mr. Knap stated the fourth-quarter fiscal year 2003-2004 financial reports were not ready as of the board meeting dates. Mr. Knap also advised the board of a letter to Mr. Tibbs concerning the Department's budget development and implementation and allocation process for the coming fiscal year.

**ENDORSEMENT COMMITTEE REPORT – Jeffrey M. Kiner**

The Endorsement Committee reviewed the Endorsement Matrix and the Examination Evaluation Report for the State of Connecticut E-1 Electrical Contractor Licensing Examination, January 2001. Highlights of discussion included:

- ◆ There were no updates to the Endorsement Matrix.
- ◆ The Bureau of Education and Testing (BET) had previously recommended that the board not use the then current examination for the endorsement of Connecticut candidates in Florida because:
  1. The number of items on the Connecticut examination is significantly smaller than the number of items on the Florida examination. Specifically, the Connecticut examination has only 130 items, while the Florida examination has 150 items.
  2. It was not made clear whether or not the content of the current examination is based upon a formal job analysis.
  3. Experior was unwilling to reveal several other aspects of the examination reliability, validity, test development procedures, scoring, and security.

**APPLICATION COMMITTEE REPORT – Jeffrey M. Kiner**

The Application Committee reviewed 39 applications for examination, 18 for additional business entities, 10 transfers, 1 business entity, 2 endorsements, 1 certification of a registered license, and 1 registration.

Mr. Kiner read into the record the list of applications approved in all categories.

MOTION: Mr. Kiner moved to approve the list as read into the record.

SECOND: Mr. Sandefer.

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

**ADDITIONAL BUSINESS ENTITES APPROVED**

- |   |  |  |
|---|--|--|
| 1. Babbitt, Larry<br>Homeland Security<br>Systems, Inc.   | Your Eye in the Sky,<br>LLC  | 12. Matula, Steven<br>Energize Alarms,<br>Inc.                     |
| 2. Clarke, Marc A.<br>Bloomen<br>International, LLC<br>d/b/a: Pro Air<br>Conditioning and<br>Electric | 7. Hernandez, Jorge<br>Luis BBS Trading,<br>Inc. dba Techno Art<br>Signs, Inc. | 13. Mooney, Ronald C.<br>High Caliber Electric<br>Corp.            |
| 3. Duross, Robert<br>Bee, Inc.  | 8. Hoch, Bruce W.<br>Digital<br>Communications<br>Services, Inc.*              | 14. Patterson, Matthew<br>D.<br>C & D Diversified<br>Systems, Inc. |
| 4. Falcone, Michael<br>J & J Multiservices,<br>LLC  | 9. Hudson, Scott J.<br>Big Dog<br>Technology, Inc.                             | 16. Porretto, Dominick,<br>Jr.<br>Total Power Electric,<br>Inc.    |
| 5. Ferranti, James<br>Watson<br>Maintenance<br>Services, Inc. d/b/a:<br>Watson Electric               | 10. Lane, John<br>SNC. Inc. d/b/a:<br>DNC Inc. of Kansas                       | 17. Warminski, Edward<br>Triumph<br>Communications<br>Corp.        |
| 6. Frank, Robert M.   | 11. Lynch, Joseph<br>Creative Security<br>Systems, Inc.                        |  |

**TRANSFER APPLICATIONS APPROVED**

- |  |   |  |
|--|---|--|
| 1. Crowley, Corlis<br>A+ Electric<br>Group, Inc. | 5. Lauren, Glenn S<br>Jake & Associates Inc<br>dba Protection First<br>Security | 8. Schratte, Ram<br>Moon Security Systems,<br>Inc.       |
| 2. Devine, Thomas<br>Devine Electric L.L.C       | 6. Mendez, Juan<br>Florida Power<br>Connection Corp.                            | 9. Tevis, Earl F<br>United Services L.L.C                |
| 3. Handsel, Lenard H<br>O & J Electric Corp.     | 7. Scholer, Norman C<br>Anchor Alarm &<br>Electronics L.L.C                     | 10. Tortora, Richard<br>Senior Electric Services<br>Inc. |
| 4. Henry, William<br>Tec Marc, Inc.              |   |  |

**CERTIFICATION OF REGISTERED LICENSE (GRANDFATHERING) APPLICATION APPROVED**

Baker, Lawrence, Larry Electric, LLC

**EXAMINATION APPLICATIONS APPROVED**

Unlimited Electrical Contractor

- |                    |                       |                     |
|--------------------|-----------------------|---------------------|
| 1. Beck, Gary      | 8. Krawec, Joseph     | 15. Rondon, Juan    |
| 2. Cowan, Robert   | 9. Lagoy, James       | 16. Sells, Eddie    |
| 3. Delao, Angel    | 10. Meshulam, Michael | 17. Shine, Matthew  |
| 4. Fagan, Kelly    | 11. Nugent, Carlos    | 18. Varner, Robert  |
| 5. Fernandes, Luiz | 12. Parrish, Orville  | 19. Walther, Dennis |
| 6. Hamm, Wayne     | 13. Prestia, Robert   | 20. Yunk, Ronald    |
| 7. Havasy, Zoltan  | 14. Rodriguez, Cesar  |                     |

Alarm System Contractor I

- |                     |                    |                     |
|---------------------|--------------------|---------------------|
| 1. Crosson, Richard | 2. Halbrooks, John | 3. Rodriguez, Jorge |
|---------------------|--------------------|---------------------|

Alarm System Contractor II

- |                    |                    |
|--------------------|--------------------|
| 1. Heredia, Alexis | 2. Jones, Charles  |
|                    | 3. Sergeant, Craig |

Residential Specialty Electrical Contractor

1. Mallard, Jason

Limited Energy System Specialty Contractor

- |                    |                     |                  |
|--------------------|---------------------|------------------|
| 1. Kee, Eric       | 3. Purser, James    | 5. Wiegert, John |
| 2. Pastor, Timothy | 4. Radcliff, Robert |                  |

Electrical Sign Specialty Contractor

- |                |               |
|----------------|---------------|
| 1. Grey, Scott | 2. Grey, Todd |
|----------------|---------------|

Initial Business Entity Application

1. Paul-Hus, Stephanie

Mr. Kiner read into the record the list of applications denied in all categories.

MOTION: Mr. Kiner moved to approve the list as read into the record.

SECOND: Ms. Small.

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

**ADDITIONAL BUSINESS ENTITES DENIED**

1. Oliver, Michael, LL Marketing Concept, Inc. d/b/a: Safeway Protection – *WITHDRAWN; at the applicant's request.*

**ENDORSEMENT APPLICATION DENIED**

1. Anton, Tom, Newkirk Electric Associates, Inc., – *DENIED; the application fails to comply with s. 489.511(6)(a), F. S., in that the applicant does not hold a State of Georgia Low-Voltage Unlimited license earned through examination in the State of Georgia.*

**EXAMINATION APPLICATIONS DENIED**

Unlimited Electrical Contractor

1. Alvarez, Armando – *DENIED; the application fails to comply with s. 489.511(2)(a) 3. B., in that the application evidences that Mr. Alvarez has been engaged in the prohibited uncertified, or unregistered practice of electrical contracting in violation of s. 489.531(1)(a), F. S., and that the application fails to demonstrate the experience requirements prescribed by s. 489.511(2)(a) 3. B., F. S., in that the application fails to evidence W-2 forms as required by Rule 61G6-5.003(3)(b), F. A. C.*
2. Millican, Marcus – *DENIED; the application fails to comply with s. 489.511(2)(a) 3. c., F. S., in that the application fails to evidence the prescribed 40% work experience in 3-phase systems as required by Rule 61G6-5.003(1)(c) 1., F. S.*
3. Price, Everett – *DENIED; the application fails to comply with s. 489.511(4), F. S., in that the application fails to evidence restoration of Mr. Price's Civil Rights following a felony conviction, pursuant to s.112.011, F. S.*
4. Wood, Richard – *DENIED; the financial statement submitted with the application fails to demonstrate financial responsibility.*

Alarm System I Contractor

1. Capriotti, Daryl – *DENIED; the application fails to comply with s. 489.511(2)(c), F. S., in that the application fails to demonstrate the prescribed 40% work experience in fire alarm systems as required by Rule 61G6-5.003(1)(c) 2., F. S.; and s. 489.511(2)(a) 3. b., in that the application fails to demonstrate the experience as required by Rule 61G6-5.001(11), F. A. C.*

**CONTINUING EDUCATION COMMITTEE – Pierre Bellemare**

Mr. Bellemare read into the record the list of CE Courses and BASA/FASA Courses Approved.

MOTION: Mr. Bellemare moved to approve the list as read into the record.

SECOND: Mr. Langer.

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

Mr. Bellemare read into the record the list of CE Courses and BASA/FASA Courses Denied/Approved Contingent/Tabled.

MOTION: Mr. Bellemare moved to approve the list of CE Courses and BASA/FASA Courses Denied/Approved Contingent/Tabled.

SECOND: Mr. Langer.

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

### **CE APPLICATIONS - Classroom**

- A. Alarm Association of Florida
  - 1. Alarm Dispatch Reduction
- B. Brevard Electrical Apprenticeship Training Program
  - 1. CEU Required Topics
- C. Builders Notice Corp. – New Provider
  - 1. Notice to Owner & Construction Lien Workshop – *APPROVED; for all audiences.*
- D. Central Florida Electrical JATC – *the following courses are APPROVED for all audiences.*
  - 1. Changes to the National Electrical Code, Chapter 1: Articles 80-110
  - 2. Changes to the National Electrical Code, Chapter 2: Articles 200-285
  - 3. Changes to the National Electrical Code, Chapter 3: Articles 300-378
  - 4. Changes to the National Electrical Code, Chapter 4: Articles 400-445
  - 5. Changes to the National Electrical Code, Chapter 5: Articles 500-555
  - 6. Changes to the National Electrical Code, Chapter 6: Article 600-695
  - 7. Changes to the National Electrical Code, Chapter 7: Article 700-760
  - 8. Changes to the National Electrical Code, Chapter 8: Article 800
- E. Department of Community Affairs
  - 1. 2004 FBC, Building/Structural Summary
  - 2. 2004 Indoor Environmental Quality (IEQ) Overview
- F. Fire-Lite Alarms/Notifier
  - 1. Voice Alarm Principles
- G. Jake Leahy's Electrical Code Connection
  - 1. Math Solutions for the Electrician
  - 2. Swimming Pools – *APPROVED; for two (2)-hours Technical (T).*
- H. Miami-Dade Building Code Compliance Office – New Provider
  - 1. Electrical Safety - *APPROVED; for all audiences.*

I. National Training School

1. Life Safety Code Course – *APPROVED; for target audiences including EC's and alarm contractor I's in lieu of residential alarm contractors.*
2. Understanding Alarm Systems – *APPROVED; target audience to include EC's, alarm contractor I's, alarm contractors II's and residential alarm contractors.*
3. Fire Alarm Installation Methods - *APPROVED; target audience to include EC's, alarm contractor I's, alarm contractors II's and residential alarm contractors*
4. Advanced Burglar Alarm Technician - *APPROVED; for target audiences including EC's and alarm contractor I's in lieu of residential alarm contractors.*

I. Rockwell Automation

1. Basic Physics for Drive Systems Engineers
2. Maintaining and Troubleshooting Open Networks
3. Trends in Machine Safety
4. Electrical Accidents Require Electricity – NFPA 70e 2004
5. Copper Cable Infrastructure Design Guide
6. Designing Safety Systems from the Ground Up
7. DeviceNet and DeviceLogix for Industrial Control
8. PLC Basics
9. Basic Drive Programming
10. Selection, Installation, and Troubleshooting Techniques for Sensors

J. Transco, Inc. – New Provider

1. Neon Transformers, Power Supplies & UL2161 – What You Should Know – *APPROVED; target audience to include EC's also.*
2. Improving Neon Tube Life and Brilliance - *APPROVED; target audience to include EC's also.*

**CE APPLICATIONS – Classroom: Renewals**

A. Brevard Electrical Apprenticeship Training Program

1. NEC Code Changes & Applications – *APPROVED; applicable to all target audiences.*

B. Gulf Coast Community College

1. CPR

C. Jake Leahy's Electrical Code Connection

1. National Electrical Code Changes

D. National Training School

1. Certified Alarm Technician Level I - *APPROVED; target audience to include EC's, alarm contractor I's, alarm contractors II's and residential alarm contractors*

**CE APPLICATIONS – Internet/ Home- study Format**

- A. Ditek – New Provider
- B. HVAC School – New Provider
  - 1. On Line NEC 2002 Update - *APPROVED; applicable to all target audiences.*
- C. RedVector.com - *the following courses are APPROVED for all audiences.*
  - 1. Circuit Analysis (AC): Average & Effective Value
  - 2. Circuit Analysis (AC): Complex Numbers & Phasors
  - 3. Circuit Analysis (AC): Dependent Sources
  - 4. Circuit Analysis (AC): RLC Circuit Response
  - 5. Circuit Analysis (AC): Series & Parallel Circuits
  - 6. Circuit Analysis (AC): Series & Parallel Networks
  - 7. Circuit Analysis (AC): Sinusoidal General Formats & Phase Relationships
  - 8. Circuit Analysis (AC): Sinusoidal Generation & Definitions
  - 9. Circuit Analysis (AC): Thevenins Theorem
  - 10. Circuit Analysis (DC Conventional): Current & Voltage in Parallel Circuits
  - 11. Circuit Analysis (DC Conventional): Current & Voltage in Series Circuits
  - 12. Circuit Analysis (DC Conventional): Current, Voltage & Resistance
  - 13. Circuit Analysis (DC Conventional): Ohm's Law & Power
  - 14. Circuit Analysis (DC Conventional): Series – Parallel Networks
  - 15. Circuit Analysis (DC Conventional): Series & Parallel Resistors
  - 16. Circuit Analysis (DC Electron Flow): Current & Voltage in Parallel Circuits
  - 17. Circuit Analysis (DC Electron Flow): Current & Voltage in Series Circuits
  - 18. Circuit Analysis (DC Electron Flow): Current, Voltage & Resistance
  - 19. Circuit Analysis (DC Electron Flow): Ohm's Law & Power
  - 20. Circuit Analysis (DC Electron Flow): Series – Parallel Networks
  - 21. Circuit Analysis (DC Electron Flow): Series & Parallel Resistors

**FIRE ALARM SYSTEM AGENT APPLICATIONS- Classroom**

- A. Alarm Association of Florida
  - 1. FASA CE Course – *APPROVED; to include all installers and sales employees.*
  - 2. Alarm Dispatch Reduction– *APPROVED; to include all installers and sales employees.*
- B. Contractors Exam School
  - 1. Fire Alarm System Installation, Repair, and False Alarm Prevention – Live; *APPROVED; applicable to EC's and alarm contractor l's.*

Fire Alarm System Installation, Repair, and False Alarm Prevention – Video Course - *APPROVED; applicable to EC's and alarm contractor I's.*

C. Fire-Lite Alarms/Notifier

1. Voice Alarm Principles

**FIRE ALARM SYSTEM AGENT APPLICATIONS- Renewal**

A. Contractors Exam School

1. Fire Alarm System Agent Qualifier Course - *APPROVED; applicable to EC's and alarm contractor I's.*

**ALARM SYSTEM AGENT APPLICATIONS- Classroom**

A. Alarm Association of Florida

1. BASA CE Course – *APPROVED; to include fire and burglar alarm installers and EC's, alarm contractor I's, alarm contractor II's and residential alarm contractors.*
2. Alarm Dispatch Reduction– *APPROVED; to include fire and burglar alarm installers and EC's, alarm contractor I's, alarm contractor II's and residential alarm contractors.*

B. Contractors Exam School

1. False Alarm Prevention Course - Video– *APPROVED; to include fire and burglar alarm installers.*
2. Burglar Alarm System Installation, Repair & False Alarm Prevention-Live - *APPROVED; to include fire and burglar alarm installers and EC's, alarm contractor I's, alarm contractor II's and residential alarm contractors.*
3. Burglar Alarm System Installation, Repair & False Alarm Prevention-Video Course - *APPROVED; to include fire and burglar alarm installers and EC's, alarm contractor I's, alarm contractor II's and residential alarm contractors.*

**TABLED FROM MAY 26-28, 2004 MEETING**

A. Ft. Lauderdale High Community School

1. Continuing Education for State Electrical Contractors

**CE APPLICATIONS ADDENDUM – Classroom**

K. Florida Association of Electrical Contractors

1. Cash Flow & Responsible Business Practices – *APPROVED; applicable to all audiences.*
2. It's Everyone's Job to Improve Profits– *APPROVED; applicable to all audiences.*
3. Fuel Cell Theory & Application – *APPROVED; to include alarm contractors and outdoor sign contractors.*

### **CE APPLICATIONS - Classroom**

#### L. Department of Community Affairs

1. 2004 FBC, Plumbing/Fuel Gas Summary – *DENIED; course application fails to establish relevancy to the professions as required by Rule 61G6-9.006(5)(6), F. A. C.*
2. 2004 FBC, Mechanical/Energy Summary – *DENIED; course application fails to establish relevancy to the professions as required by Rule 61G6-9.006(5)(6), F. A. C.*

### **CE APPLICATIONS – Internet/ Home- study Format**

#### D. Ditek – New Provider

1. Surge Protection Solutions for Electronic Security and Life Safety Systems – *APPROVED CONTINGENT; pending submission of documentation to demonstrate compliance with Rule 61G6-9.003(7), F. A. C.*

### **CE COURSE FOR APPROVAL FOR REACTIVATION (Rule 61G6-9.002, F. A. C.)**

University of Texas, McCombs Schools of Business

Texas Executive Education

Institute of Managerial Leadership (142.5 credit hours)

Licensee Jerry Lee Andrews, license number EC 0001827

Contech Control Services, Inc. – *TABLED; pending receipt of written text as prescribed by Rule 61G6-9.002(2)(b), F. A. C.*

The CE Committee also discussed the implementation of Senate Bill (SB) 562, and its impact on CE requirements for BASA card holders and renewal of BASA cards. The Committee with assistance from Department staff will review SB 562 for development of rule language for review at the September 2004 meeting.

### **GENERAL SESSION**

The board reviewed general correspondence from Douglas W. Smith, Sonitrol of Tallahassee; correspondence to and from William Hunter, Key\*Tel; correspondence to Ken Grinsteiner, ASI Alarm Services, Inc.; correspondence to Tram Pickett, Berlin Sign Company; and the minutes from the March 17-18, 2004 meeting held in Boca Raton, FL and the May 26-28, 2004 meeting held in St. Augustine, FL.

MOTION: Mr. Sandefer moved to approve the meeting minutes as presented.

SECOND: Ms. Small.

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

### **OLD BUSINESS**

No discussion.

## **NEW BUSINESS**

The board reviewed correspondence from Coral Stratton, President, Stratton Electric, Inc., regarding Emergency Registration pursuant to ss. 489.523, F. S.

In a letter dated July 13, 2004, Mrs. Stratton wrote in part:

*"... This letter is to inform the State of Florida of the passing of my husband, Jim Stratton, on Friday, July 2, 2004. Together, we shared the management duties as officers of Stratton Electric, Inc.*

*Because Jim was the qualifier for Stratton Electric, Inc. (#EC0001426), I Coral Stratton, am respectfully requesting issuance of an emergency registration in accordance with Chapter 489, Section 489.523 of the 2003 Florida Statutes.*

*Stratton Electric, Inc. was engaged in numerous contracts as of 7/2/04 that have not been completed. There are also several bids that are currently pending award, and other opportunities that can reasonably be assumed could result in award. A summary of these contracts is provided below, but it is not inclusive of projects that were bid prior to 7/2/04 where the bid results are still unknown... The request for an emergency registration is being made with my every confidence that, as the remaining owner of Stratton Electric, Inc., we are fully capable of understanding, performing, performing, and completing these contracts as necessary..."*

After consideration of the request the Board took the following action.

MOTION: Mr. Sandefer moved to invoke §489.523, F.S., granting an Emergency Registration to Coral Stratton, Stratton Electric, Inc.

SECOND: Mr. Langer.

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

## **BOARD COUNSEL'S REPORT – Mary Ellen Clark, Esq., Assistant Attorney General**

The majority of Ms. Clark's report was covered during the Rules Committee and Examination Committee meetings.

## **EXECUTIVE DIRECTOR'S REPORT – John T. Knap**

- ◆ Mr. Knap reminded the board to submit their travel vouchers as soon as possible after the meeting.
- ◆ Mr. Knap presented updated statistics of the recent insurance audit. To date, of 1,586- licenses audited, 177-violations were found, 148-cases have been opened, 29-citations have been issued, and 45-cases have been sent to legal.
- ◆ Mr. Knap reminded the board members to submit their Financial Disclosure forms to the Commission on Ethics as soon as possible and that after September 1, 2004 penalties up to \$25.00 per day may be assessed for late submittals. The forms were due on July 1, 2004.

### **CHAIRPERSON'S REPORT - Clarence K. Tibbs**

The board discussed the 2005 meeting schedule and established the following dates and locations:

- ◆ January 27-28, 2005 – St. Augustine, FL
- ◆ March 17-18, 2005 – Pensacola, FL
- ◆ May 18-20, 2005 – Fort Myers, FL
- ◆ July 28-29, 2005 – Tampa, FL
- ◆ September 22-23, 2005 – Gainesville, FL
- ◆ November 17-18, 2005 – Tallahassee, FL

### **ELECTION OF OFFICERS - Board**

MOTION: Ms. Small moved to nominate Jeffrey M. Kiner as Chairman and Norman R. Mugford as Vice-Chairman.

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

Mr. Tibbs congratulated Messrs. Kiner and Mugford on their appointments and thanked the board for an opportunity to lead them over the past year. Mr. Tibbs wished everyone a safe return trip.

Messrs. Kiner and Mugford acknowledge and commended the work done by the board and board staff and extended their thanks.

Motion was made by Ms. Small to adjourn. Motion passed unanimously.