



STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION



**MINUTES FROM THE  
SEPTEMBER 8, 2005  
ELECTRICAL CONTRACTORS' LICENSING BOARD  
TELECONFERENCE**

**at  
800-416-4132  
or  
850-922-7892**

Jeb Bush  
Governor

Simone Marsteller  
Secretary

The Board Meeting was called to order by Chairman Norman Mugford at 2:00 p.m.

Division of  
Professions and Regulation

Electrical Contractors'  
Licensing Board

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**ROLL CALL- Members Present**

Pierre A. Bellemare  
Robert Bramlett  
Kimberly A. DeBerry – called in after roll call  
Jeffrey M. Kiner  
Roger E. Langer  
Norman R. Mugford, Chairman  
Donald C. Penner  
Paul W. Sandefer, Vice-Chairman  
Clarence K. Tibbs

**ROLL CALL- Member Absent**

Rae Small  
Lewis Roberts

**OTHERS PRESENT**

Anthony Spivey, Executive Director  
Ruthanne Christie, Government Analyst I  
Mary Ellen Clark, Esq., Assistant Attorney General  
Drew F. Winters, Esq., Assistant General Counsel– called in after roll call  
Robert Neely, Alarm Association of Florida

The Board discussed Draft Legislative Language for the following statutes.

- 489.5188 Electrical Systems Agents
- 489.505 (29) Electrical System Agent 2
- 489.505 (30) Electrical System Agent 1
- 489.505 (31) Unlimited Electrical System Agent

Highlights of the discussion included:

- Ms. Clark expressed concern regarding the use of the term “wireman” since it is not defined in the statute or the rule and it is not gender neutral.
- A suggestion was made to change all references to “wiremen” to “electrician”.
- Mr. Kiner expressed concern that the proposal did not clearly state journeyman would be qualified as electrical system agents.
- The members agreed that journeyman would be qualified as “unlimited electrical system agents” per drafted 489.505(31), F.S., and agreed to change the term to “Journeyman Electrical System Agent”.
- The board discussed how the use of Electrical System Agents would be applied in the field. Mr. Kiner pointed out that it would be required for anyone employed by a contractor performing the duties of an electrical system agent.
- The members discussed the fact that a “helper” would not be required to get certified as an “electrical system agent”.
- Mr. Sandefer asked where was it stated that you had to have an electrical system agent on the job? He suggested that the language for 489.5188 be changed to state (1) A licensed electrical contractor may not employ a person to perform the duties of an electrical system agent electrician unless the person:
- Mr. Mugford asked for the board’s input on making the above change. Mr. Tibbs suggested that a definition for electrician would then be required and that it still would not make it clear when you have to have an electrical system agent. Some members felt making this change would create opposition to the proposal.
- Mr. Spivey and Ms. Christie asked the board how this would impact the specialty categories and if the board intended for any of the specialty contractors to be affected by this proposal.
- The Board members agreed to take the results of this discussion to their various associations for further input. Mr. Mugford agreed to make some changes based on the discussion and forward the draft to Ms. Christie for distribution to the members.

The following language was drafted based on the discussion during the teleconference.

**489.5188 Electrical System agents.**

(1) A licensed electrical contractor may not employ a person to perform the duties of an electrical system agent unless the person:

(a) Is at least 18 years of age or has evidence of a court-approved declaration of emancipation.

(b) Has successfully completed an approved electrical training program or has completed the approved number of on the job training hours. Such training shall be from a board-approved provider, and the employee or applicant for employment shall provide proof of successful completion to the licensed employer. The board shall by rule establish criteria for the approval of training courses and providers and may by rule establish criteria for accepting alternative non-classroom education on an hour-for-hour basis. The board shall approve providers that conduct training in other than the English language. The board shall establish a fee for the approval of training providers or courses, not to exceed \$60. Qualified employers may conduct training classes for their employees, with board approval.

(c) Who has general knowledge of electrical codes (NEC) along with the job experience, knowledge and skill to layout, install, maintain, repair, alter, and use materials and items used in the installation, maintenance, and alteration of electrical work, and is familiar with city and state

building codes, OSHA regulations, standard safety practices and equipment, and other requirements for workplace safety.

(d) Has not been convicted within the last 3 years of a crime that directly relates to the business for which employment is being sought. Although the employee is barred from operating as an electrical system agent for 3 years subsequent to his or her conviction, the employer shall be supplied the information regarding any convictions occurring prior to that time, and the employer may at his or her discretion consider an earlier conviction to be a bar to employment as an electrical system agent. To ensure that this requirement has been met, a state licensed electrical contractor must obtain from the Florida Department of Law Enforcement a completed fingerprint and criminal background check for each applicant for employment as an electrical system agent or for each individual currently employed on the effective date of this act as an electrical system agent.

(e) Has not been committed for controlled substance abuse or been found guilty of a crime under chapter 893 or a similar law relating to controlled substances in any other state within the 3-year period immediately preceding the date of application for employment, or the effective date of this act for an individual employed as an electrical system agent on that date, unless he or she establishes that he or she is not currently abusing any controlled substance and has successfully completed a rehabilitation course.

(2) A non-supervising employee working as a helper under the direct, on-site, continuous supervision of a state-certified electrical contractor, a state-registered electrical contractor or an electrical agent.

(3) An applicant for employment as an electrical system agent, or an individual employed as an on site company electrical representative on the effective date of this act, may commence or continue employment pending the completion of the required training and the results of the background check required by this section for a period not to exceed 90 days after the date of application for employment, or 90 days after the effective date of this act for individuals currently employed as electrical system agents. However, the person must work under the direction and control of a sponsoring licensed electrical contractor pending the completion of the training and the criminal background check. If an applicant or an individual employed on the effective date of this act does not complete the training or receive a satisfactory criminal background check within the 90-day period, the employment must be terminated immediately.

(4)(a) All licensed electrical contractors shall furnish each of its electrical system agents with an identification card. The identification card must be in the possession of the electrical system agents while engaged in electrical system agent duties.

(b) The identification card shall be designed in a board-approved format. The card must include a picture of the agent, must specify at least the name of the holder of the card and the name and license number of the contractor, and must be signed by the contractor and by the holder of the card. Each identification card is valid for a period of 2 years after the date of issuance. The identification card must be in the possession of each electrical system agent while engaged in electrical system agent duties.

(c) Each person to whom an identification card has been issued shall be responsible for the safekeeping thereof and shall not loan, or allow any other person to use or display, the identification card.

(d) Each identification card must be renewed every 2 years and in a board-approved format to show compliance with 8 hours of continuing education necessary to maintain certification as a electrical system agent.

(e) Each licensed electrical contractor must obtain an updated criminal background check from the Department of Law Enforcement for each electrical system agent who renews certification.

(5) Each electrical system agent must receive 4 hours of technical continuing education on electrical system design, installation and repair every year from a board-approved sponsor of training and through a board-approved training course.

(6) Failure to comply with any of the provisions of this section shall be a disciplinable offense against the contractor pursuant to s. 489.533.

#### **489.505 Definition**

##### **(29) “Electrical System Agent 2 ” means a person:**

(a) Who is performing duties as a residential wireman and who is employed by a State certified or registered electrical contractor;

(b) Whose specific duties include any of the following: altering, installing, maintaining, moving, repairing, replacing, servicing, or inspecting, a residential electrical system; and

(c) Who has 1 year residential electrical wiring experience or 2000 hours of field experience.

##### **(30) “Electrical System Agent 1 ” means a person:**

(a) Who is performing duties as a commercial/industrial wireman and who is employed by a State certified electrical contractor;

(b) Whose specific duties include any of the following: altering, installing, maintaining, moving, repairing, replacing, servicing, or inspecting, a commercial/industrial electrical system; and

(c) Who has 2 years commercial/industrial electrical wiring experience or 4000 hours of field experience.

##### **(31) “Journeyman Electrical System Agent” means a person:**

(a) Who has performed duties as a residential/commercial/industrial wireman and who is employed by a State certified electrical contractor;

(b) Whose specific duties include any of the following: altering, installing, maintaining, moving, repairing, replacing, servicing, or inspecting, a residential/commercial/industrial electrical system; and

(c) Who has 4 years residential/commercial/industrial electrical wiring experience or 8000 hours of field experience and has passed an approved electrical exam.