

LIBERTY COUNTY ORDINANCE NO. 75-~~4~~

"AN ORDINANCE DEFINING, CLARIFYING AND REGULATING ELECTRICAL CONTRACTORS AND ALL PERSONS ENGAGED IN THE BUSINESS OF ELECTRICAL CONTRACTING IN LIBERTY COUNTY, FLORIDA; CREATING THE LIBERTY COUNTY ELECTRICAL CONTRACTORS' INDUSTRY LICENSING BOARD, DESIGNATING ITS MEMBERS AND PRESCRIBING ITS POWERS, DUTIES AND RESPONSIBILITIES; PROVIDING FOR ANY PERSON ENGAGED IN THE BUSINESS OF ELECTRICAL CONTRACTING TO GIVE BOND AND PRESCRIBING EXHIBITS "A" AND "B" AS FORMATS FOR SAID BOND; PRESCRIBING QUALIFICATIONS AND PROVIDING FOR THE REGISTRATION, EXAMINATION AND CERTIFICATION OF ELECTRICAL CONTRACTORS, THE RENEWAL THEREOF, AND MAKING CERTAIN EXCEPTIONS AND EXEMPTIONS; PRESCRIBING REQUIREMENT FOR PUBLIC LIABILITY INSURANCE FOR APPLICANTS FOR LICENSE; PROVIDING FOR PAYMENT AND COLLECTION OF FEES IN CONNECTION WITH LICENSES AND THE USE AND DISPOSITION THEREOF; PROVIDING STANDARDS FOR SUSPENSION AND/OR REVOCATION OF LICENSES; MAKING CERTAIN ACTS UNLAWFUL AND PRESCRIBING PENALTIES THEREFOR; PROVIDING SEPARABILITY CLAUSE AND THE EFFECTIVE DATE OF THIS ORDINANCE."

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

SECTION 1. As used in this Ordinance the following words shall be defined as set forth herein:

- (A) LICENSED ELECTRICIAN: A "licensed electrician" is any person who is engaged in or working at the business of electrical contracting in Liberty County, Florida, who has furnished the necessary bond in compliance with this Ordinance and who is registered or certified by the Board as either a Master or Journeyman Electrician.
- (B) ELECTRICAL CONTRACTING: "Electrical contracting" is the installation, repair, alteration, adding to, or design, when not prohibited by law, of electrical wiring, fixtures, appliances, apparatus, raceways, conduits or any part thereof, which generates, transmits, transforms or utilizes electrical energy in any form for light, heat, power, or communications, including the electrical installation of systems within plants and substations. The

scope of such work shall apply to private and public property, and shall include any excavation and paving work incidental thereto, and shall include the work of all specialty electrical contractors.

- (C) ELECTRICAL CONTRACTING OR CONTRACTOR: "Electrical contracting or contractor" means, except as herein exempted, engaging in the business as an electrical contractor.
- (D) BOARD: The Liberty County Electrical Contractors' Licensing Board created hereby unless the context otherwise requires.
- (E) CERTIFICATE: A "Certificate of Competency" issued by the Board as provided herein.
- (F) REGISTRATION: Registration with the Board as provided herein.
- (G) CERTIFICATION: The act of obtaining or holding a Certificate of Competency from the Board as provided herein.
- (H) REGISTERING: "Registering" means the act of obtaining evidence of registration with the Board as provided herein.
- (I) REGISTRANT: A person who is registered with the Board as provided herein.

SECTION 2. The Liberty County Electrical Contractors' Industry Licensing Board is hereby created and shall consist of five (5) members who shall be the individual members of the Board of County Commissioners of Liberty County, Florida, and they, and their successors in office, in their individual capacity, shall be known and designated as the members of the Liberty County Electrical Contractors' Industry Licensing Board. There is hereby imposed on them the additional duties as set forth herein. They shall receive no additional compensation as members of this Board.

SECTION 3. The Board shall meet regularly as the need presents itself. The Board shall elect officers from its

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SECTION 6.

- (A) Any person, except an employee of a licensed electrician, who desires to engage in or work at the business of electrical contracting in Liberty County shall, before engaging or working at the business of electrical contracting in Liberty County, give bond payable to Liberty County in the sum of \$5,000.00 with two or more good and sufficient sureties to be approved by the Board and to be filed with the Clerk of the Board, which said bond shall be conditioned upon said person complying with the minimum requirements of the State of Florida and Liberty County Electrical Codes regarding all electrical contracting work done by said person in Liberty County. The bond required by this Section shall be conditioned and in substantially the format as set forth in attached Exhibit "A" (said Exhibit "A" being specifically made a part of this Ordinance).
- (B) In lieu of bond as required in subsection 6(A), a person may submit evidence of having filed a current electrical bond of not less than \$5,000.00 in any other county or municipality for persons engaged in the business of electrical contracting provided that the bond filed in any other county or municipality shall be conditioned and in substantially the format as set forth in attached Exhibit "B" (said Exhibit "B" being specifically made a part of this Ordinance).
- (C) The requisite of two sureties and justification of same shall not apply where a surety is by a solvent surety company authorized to do business in the State of Florida.

(D) The bond required by this Section shall be filed annually with the Board, or in lieu of filing a new bond, such person shall file with the Board a certificate of the surety on the bond that such bond previously filed by such person is continued in full force and effect.

(E) The premium anniversary date of the bond shall be on the 1st day of July of each year with the first anniversary being July 1, 1975.

SECTION 7. Within 90 days after the effective date of this Ordinance, all persons engaged in or working at the business of electrical contracting in Liberty County, Florida, (except those exempted as herein provided), shall register with the Board as either a Master or Journeyman Electrician. To be registered with the Board, the applicant shall (1) file evidence of holding a current county license as either a Master or Journeyman Electrician issued by any county in the State of Florida, or a current license as either a Master or Journeyman Electrician, issued by any municipality in the State of Florida on a form prescribed by the Board, accompanied by the registration fee affixed herein, and (2) file evidence of compliance with bonding requirement pursuant to Section 6 of this Ordinance. No examination shall be required by the Board for such registration.

SECTION 8. Persons not engaged in or working at the business of electrical contracting in Liberty County, Florida, on the effective date of this Ordinance, or within such 90 day period after such effective date, but later desiring to enter the business of electrical contracting in Liberty County and persons who have not registered as provided by Section 7 of this Ordinance, but who desire to enter such business of electrical contracting, shall register with the Board under the following provisions: (1) file with the Board evidence of successful compliance with the examination

of and license requirements for either a Master or Journeyman Electrician of another county or municipality in the State of Florida, which has examination and licensing requirements as a prerequisite to the issuance thereof, on a form prescribed by the Board, accompanied by the registration fee required herein, and (2) file evidence of compliance with the bonding requirements pursuant to Section 6 of this Ordinance. No examination shall be required by the Board for registration under this Section.

SECTION 9. CERTIFICATION.

(A) Persons not otherwise registered pursuant to this Ordinance, may obtain certification as either a Master or Journeyman Electrician by submitting an application in writing to the Board containing a statement that the applicant desires the issuance of a certificate as either a Master or Journeyman Electrician on a form containing the information as prescribed by the Board; said application shall be accompanied by the certificate fee required herein.

(B) Applicants for certification shall submit to an examination to be held at times and places within or without Liberty County as the Board determines, but such examination shall be held within six months from the time the application is submitted. Each applicant shall take a written examination concerning his fitness for certification to engage in or work at the business of electrical contracting in Liberty County. The examination shall cover knowledge of basic principles for electrical contracting and may consist of multiple-choice, fill-in, true and false, short answer, or essay questions and may also include or consist of diagrams, plans, or sketches in connection with which the applicant is required to demonstrate his knowledge of electrical contracting by answering

questions keyed to such diagrams, plans, or sketches.

- (C) A passing grade on such examination shall be as determined by the Board.
- (D) The examination for certification as a Master Electrician shall be broader and more technical than the examination standards or requirements for certification as a Journeyman Electrician.
- (E) A fee equal to the cost of the examination shall be required of each applicant prior to taking the examination.
- (F) As a prerequisite to issuance of a certificate as either a Master or Journeyman Electrician, the Board shall require the applicant to file evidence of compliance with the bonding requirements pursuant to Section 6 of this Ordinance.

SECTION 10. As a prerequisite to certification or registration, the Board shall require the applicant to submit satisfactory evidence that he has obtained public liability and property damage insurance for the safety and welfare of the public in reasonable amounts to be determined by the Board.

SECTION 11. When an individual proposes to do business in his own name, registration or certification when granted, shall be issued only to that individual.

SECTION 12.

- (A) If the applicant proposing to engage in or work at the business of electrical contracting is a partnership, corporation, business trust, or other legal entity, the application shall state the name of the partnership and of its partners, or the name of the corporation and of its officers and directors, or the name of the business trust and its trustees, or the name of such other legal entity and its members,

and furnish evidence of statutory compliance if a fictitious name is used. Such application shall also show that the person applying for the examination is legally qualified to act for the business organization in all matters connected with its electrical contracting business and that he has authority to supervise electrical contracting undertaken by such business organization. The registration or certification, when issued upon application of a business or organization, shall be in the name of such business organization and the name of the qualifying individual or individuals shall be noted thereon.

- (B) At least one member or supervising employee of such business organization shall be registered or certified under this Ordinance in order for the business organization to hold a current registration or certificate to engage in the business of electrical contracting in Liberty County. If any individual so qualified on behalf of such business organization ceases to be affiliated with such business organization, he shall promptly inform the Board. In addition, if such individual is the only qualified individual affiliated with the business organization, the business organization shall notify the Board of the individual's termination and shall have a period of 60 days from the termination of the individual's affiliation with the business organization in which to qualify another person under the provisions of this Ordinance, failing which the certification or registration of the

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business organization shall be subject to revocation by the Board.

- (C) The individual shall also inform the Board in writing when he proposes to engage in the business of electrical contracting in Liberty County in his own name or in affiliation with another business organization; and he or such new business organization shall supply the same information to the Board as required for applicants.

SECTION 13. Certification and registration shall expire annually at midnight on June 31 of each year.

- (A) Failure to renew the certification or registration during June shall cause the certification or registration to become inoperative, and it is unlawful thereafter for any person to engage in or work at or offer to engage in or work at the business of electrical contracting in Liberty County or hold himself out as a licensed electrician.
- (B) A certificate or registration which is inoperative because of failure to renew shall be restored on payment of the proper renewal fee, if the application for restoration is made within 90 days after such June 31. If the application for registration is not made within the 90 day period, the fee for restoration shall be equal to the original application fee; and in addition the Board may require re-examination of the applicant.
- (C) A person who is registered or certified as a licensed electrician by the Board may go on inactive status during which time he shall not engage in or work at the business of electrical contracting but may retain his certificate or registration on an inactive basis on payment of

an annual renewal fee during the inactive period, which renewal fee shall be as fixed by this Ordinance.

SECTION 14. The Board shall impose and collect the following fees:

- (A) The initial application fee for registration without examination shall be:
 - (1) Master Electrician \$ 20.00
 - (2) Journeyman Electrician \$ 10.00
- (B) The initial application fee for certification (in addition to fee prescribed in Section 9(E) for examination) shall be:
 - (1) Master Electrician \$ 20.00
 - (2) Journeyman Electrician \$ 10.00
- (C) The renewal fee for both active and inactive status shall be one-half of the amounts required for either registration or certification in proper classification as either Master or Journeyman Electrician.
- (D) Any funds received by the Board from certification or registration fees which remain uncommitted and unexpended at the end of each fiscal year of the Board, which shall end September 30 of each year, shall be paid into the general revenue fund of Liberty County.

SECTION 15. EXEMPTIONS. This Ordinance does not apply to:

- (A) A subcontractor or specialty electrical contractor not otherwise registered or certified under the provisions of this Ordinance whose work is limited to a specific phase of electrical construction.
- (B) Employees and subordinates of any person engaged in electrical contracting who is a licensed electrician, provided said employees do not hold themselves out for hire or engage

- in electrical contracting except as an employee.
- (C) Public utilities, on construction, maintenance, and development work performed by their forces and incidental to their business.
 - (D) The sale or installation of any finished products, materials, or articles of merchandise which are not actually fabricated into, and do not become a permanent fixed part of the building or structure.
 - (E) An owner of property making application for a permit, supervising and doing the work in connection with the construction maintenance, repair and alteration of and addition to a single family or duplex residence for his own use and occupancy and not intended for sale.
 - (F) A registered architect, professional engineer, or residential designer acting in his professional capacity.
 - (G) Any person who only furnished materials or supplies without fabricating them into, or consuming them in the performance of, the work of electrical contracting.
 - (H) Any person certified by the Florida Electrical Contractor's Licensing Board as a Florida licensed electrical contractor AND who has filed evidence of compliance with bonding requirements pursuant to Section 6 of this Ordinance.

SECTION 16.

- (A) The Board shall have the power in addition to all other powers provided for in this Ordinance to suspend for a length of time not to exceed six months or to revoke the registration or certification of any licensed electrician who

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shall be guilty of any one or more of the following acts or omissions:

- (1) Fraud or deceit in obtaining registration or Certificate of Competency.
 - (2) Negligence, incompetence or misconduct in the practice of electrical contracting within the meaning of this Ordinance or the County Electrical Code.
 - (3) Willful or deliberate disregard and violation of this Ordinance or the County Electrical Code.
- (B) Any person directly interested, the electrical inspector and/or official of Liberty County, the architect or engineer of any building or construction may prefer charges against a licensed electrician under this Ordinance. Such charges shall be made in writing and sworn to by the complainant and submitted to the Board. At the earliest possible date and not later than 30 days after receipt of charges, it is the duty of the Board to investigate the charge and render its decision without delay. A copy of the charge, together with the time and place of the hearing, shall be served on the accused at least five days before the date fixed for the hearing. At the hearing the accused shall have the right to appear personally with counsel and to cross-examine witnesses against him and to produce witnesses and evidence in his defense.

If, after the hearing, the Board's decision is that the accused shall be guilty of the charges preferred against him, the Board shall thereupon suspend for a period of time or revoke the accused certificate or registration as a licensed electrician.

Upon the revocation of the accused certificate or registration of competency, any and all right or privilege to perform electrical contracting work or engage in the business of electrical contracting in Liberty County shall be revoked and withdrawn; no refund shall be made for amounts previously paid for registration or certification upon revocation of certification or registration of competency.

It shall be unlawful for any person to engage in or work at the business of electrical contracting in Liberty County when his certificate or registration has been revoked or suspended.

SECTION 17.

- (A) It is unlawful for any person to engage in or work at the business of electrical contracting or act in the capacity of a licensed electrician in Liberty County, Florida, without having been duly registered or certified under the provisions hereof.
- (B) Any person who violates any provisions of this Ordinance shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by fine not exceeding \$500.00 or by imprisonment not to exceed 60 days or by both such fine and imprisonment. Each day of violation of this Ordinance shall be regarded as a new and separate offense.

SECTION 18. SEPARABILITY CLAUSE.

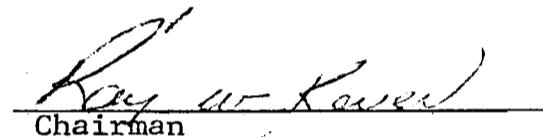
Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 19. REPEAL.

All ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this Ordinance, are hereby subordinated to the provisions of this Ordinance, or repealed, to the extent necessary to give this Ordinance full force and effect.

SECTION 20. This Ordinance shall take effect as provided by law.

PASSED AND ADOPTED IN REGULAR SESSION OF THE BOARD OF COUNTY COMMISSIONERS OF LIBERTY COUNTY, FLORIDA, ON THE 2nd DAY OF SEPTEMBER, 1975.


Ray W. Koser
Chairman

ATTESTED:


W. A. Woodward
Clerk of Circuit Court
Liberty County, Florida