AN ORDINANCE AMENDING MONROE COUNTY CODE CHAPTER 6, ADDING THREE PUBLIC MEMBERS TO THE CONTRACTORS EXAMINING BOARD; PROVIDING AUTHORITY FOR THE FINE FOR UNLICENSED ACTIVITY TO BE REDUCED TO NO LESS THAN $100; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 6-83, Monroe County Code is hereby amended by adding the following:

(7) Three (3) persons who are not and have never been, engaged in any of the occupations for which licensing is required under this chapter and who are not engaged in any related profession.

Section 2. Section 6-84(a), Monroe County Code is hereby amended to read as follows:

(a) The examining board shall consist of eight (8) regular voting members and one (1) alternate voting member appointed by the board of county commissioners. The building official or his designated agent shall serve as secretary to the board and shall have no vote. Legal counsel shall be furnished by the county attorney or his designated representative. The members of the board shall be proportionately representative of the trade or trades related to the subject matter concerned in the examination and qualifications, and professions within and connected with the particular trades concerned shall be represented. The eight (8) regular member composition shall, at all times, include at least one (1) representative from each of the Lower, Middle and Upper Keys of Monroe County. No member of the examining board shall receive any compensation for duties involved.

Section 3. Section 6-84(b), Monroe County Code is hereby amended to read as follows:
(b) No officer, director or administrator of a Florida state, county or regional professional or occupational organization or association, while holding such position, shall be eligible to serve as a member or the examining board for the profession or occupation. Each regular member who is a licensed contractor shall have five (5) years of active participation in his respective field and shall be currently involved as a licensed contractor in that field to qualify for appointment. The alternate member shall be a prior member of the contractor's examining board and shall be currently involved as a licensed contractor.

Section 4. Section 6-87(d) is hereby amended to read:

(d) Five (5) members of the board shall constitute a quorum at any meeting, and a majority vote of the members voting shall be required to make any decision.

Section 5. Section 6-90(b)(6), is hereby amending by adding the following:

(6) The contractor's examining board may impose an administrative fine for the acts prohibited in paragraphs (1) and (2) upon a finding of violation when a citation is contested. Pursuant to this paragraph, the board shall conduct a probable cause hearing as to the alleged violation. Upon a finding that a violation has occurred, the board shall impose a civil penalty of no less than one hundred dollars ($100.00) or no more than the amount designated in the above schedule and may assess costs of the proceedings, including but not limited to costs of personnel, equipment and supplies necessary to process the appeal, not to exceed five hundred dollars ($500.00) in addition to the fine specified in paragraph (4)g.

Section 6. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 7. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.
Section 8. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 9. This ordinance shall take effect immediately upon receipt of official notice from the Office of the Secretary of State of the State of Florida that this ordinance has been filed with said Office.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 9th day of September, 1998.

Mayor Jack London
Commissioner Keith Douglass
Commissioner Shirley Freeman
Commissioner Wilhelmina Harvey
Commissioner Mary Kay Reich

[SEAL]
Attest: DAMIAN PANGAGE, Clerk

By: [Signature] Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By: [Signature] Mayor/Chairman

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APPROVED AS TO FORM AND LEGAL SUFFICIENCY
BY: [Signature] SUZANNE A. HUTTON
DATE: 9/16/98