

ORDINANCE NO 025 -1998

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

FILED FOR RECORD  
98 OCT 26 PM 2:09  
ANNY L. COLHAGE  
CLK. CR. CT.  
MONROE COUNTY, FLA.

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 of 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:

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(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	<u>yes</u>
Commissioner Keith Douglass	<u>yes</u>
Commissioner Shirley Freeman	<u>yes</u>
Commissioner Wilhelmina Harvey	<u>yes</u>
Commissioner Mary Kay Reich	<u>yes</u>

(SEAL)  
Attest:  DANNY D. HAGE, Clerk

By *Daniel C. Desantis*  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By *Jack London*  
Mayor/Chairman

jordiceb8a

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY *Suzanne A. Hutton*  
SUZANNE A. HUTTON  
DATE 9/16/98

DIVISIONS OF FLORIDA DEPARTMENT OF STATE  
Office of the Secretary  
Division of Administrative Services  
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Division of Cultural Affairs  
Division of Elections  
Division of Historical Resources  
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Preservation Board  
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FLORIDA DEPARTMENT OF STATE  
**Sandra B. Mortham**  
Secretary of State  
DIVISION OF ELECTIONS

October 12, 1998

Honorable Danny L. Kolhage  
Clerk to Board of County Commissioners  
Monroe County  
500 Whitehead Street  
Key West, Florida 33040

Dear Mr. Kolhage:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your five letters dated October 6, 1998 and certified copy each of Monroe County Ordinance No. 98-25, 98-26, 98-27, 98-28, and 98-29, which were filed in this office on October 12, 1998.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mw