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Florida Specialty Course • 4 Hours

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DISCLAIMER NOTE: This course is APPROVED by the Florida Department of Business & Professional Regulation for continuing education to renew your electrical license and is not intended to replace or supersede any state or local adopted codes.

Florida Specialty Course

Part One: Workers' Compensation

The Florida Workers' Compensation System Guide

The Workers' Compensation System Guide is intended to give all parties a general overview and summary of the Workers' Compensation System. It is not intended to supersede or take the place of the Florida Workers' Compensation Law (Chapter 440, Florida Statutes) or Florida Workers' Compensation Case Law. Its purpose is to assist all stakeholders in their roles and responsibilities. It provides general information and references that may assist with resolving issues and answering questions.



Employer Requirements

Posting Requirement:

The "Broken Arm Poster" and the "Anti-Fraud Notice" should be posted in a conspicuous place and should identify the name of the insurance company providing coverage and where to call to report an accident or injury. Contact your insurance company to obtain the poster and the notice.

Recording Requirement:

Record all workplace injuries and retain the records for at least 2.5 years.

Reporting Requirement:

- Report all job-related injuries to the insurance company within 7 days of discovery.
- Provide a copy of the injury report to the injured worker (Form DFS-F2-DWC-1).
- Report required wage information to the insurance company within 14 days of learning of an injury that will require the employee to miss work for more than 7 days or that results in a permanent impairment.
- If requesting the employee's authorization for release of social security benefit information, give the Form DFS-F2-DWC-14 to the employee, submit the Request for Social Security Disability Benefit Information to the Social Security Administration office nearest to the employee's address, and send a copy of the completed form to the Division within 14 days of the request (Form DFS-F2-DWC-14).



Penalties for late filing of a claim that was due to the employer's failure to timely notify the insurer

If the First Report of Injury (DFS-F2-DWC-1) is filed late with the Division, due to the late reporting of the accident by the employer to the insurance company, the employer may be penalized for the late filing, according to the following schedule:

- \$100 for 1 through 7 days of untimely filing.
- \$200 for 8 through 14 days of untimely filing.
- \$300 for 15 through 21 days of untimely filing.

- \$400 for 22 through 28 days of untimely filing.
- \$500 for over 28 days of untimely filing.

In addition to the above administrative penalty paid to the Division, the employer may be liable for penalties and interest on the late payment of compensation, due to the late filing.

Penalties and interest for late payment of compensation paid directly to the injured worker along with indemnity payment that was late

1. If any installment of compensation for death or dependency benefits, or compensation for disability benefits payable without an award is not paid within 7 days after it becomes due, there shall be added to such unpaid installment a penalty of an amount equal to 20 percent of the unpaid installment, which shall be paid at the same time as, and in addition to, such installment of compensation.

2. If any installment of compensation is not paid when it becomes due, the employer, insurance company or servicing agent shall pay interest at the rate of 12 percent per year from the date the installment becomes due until it is paid, whether such installment is payable without an order or under the terms of an order. The interest payment shall be the greater of the amount of interest due or \$5.

If you as an employer receive a notice from the Division about a late filing with a filing penalty due to the Division and penalties and interest due to the injured worker, you send the filing penalty payment to the Division and the penalty & interest payment, on the late indemnity payments, directly to the injured worker.



Workers' Compensation Exam Questions

- Which of the following posters must be displayed in a conspicuous place by the employer in the workplace?
 - "Broken Leg" Poster
 - "Anti-Fraud Notice" Poster
 - "Broken Arm" Poster
 - Both B and C
- Employers must report required wage information to the insurance company within _____ days of learning of an injury that will require the employee to miss work for more than 7 days.
 - 7
 - 10
 - 14
 - 21
- Employers may have to pay a penalty of _____ for being over 28 days late in filing an injury report with the insurance company which causes the First Report of Injury to be filed late with the Division.
 - \$200
 - \$500
 - \$300
 - \$400
- If any installment of compensation is not paid when it becomes due, the employer, insurance company or servicing agent shall pay interest at the rate of 12 percent per year from the date the installment becomes due until it is paid. The interest payment shall be the greater of the amount of interest due or \$_____.
 - \$15
 - \$10
 - \$5
 - \$100

Workers' Compensation Coverage / Compliance Requirements for the Employer

Chapter 440, F.S., establishes workers' compensation coverage requirements for employers.

1. **Construction Industry:** An employer in the construction industry who employs one or more part- or full-time employees must obtain workers' compensation coverage. Sole proprietors, partners, and corporate officers are considered employees. Members of a limited liability company are considered corporate officers. Corporate officers may elect to exempt themselves from the coverage requirements of Chapter 440.

A construction industry contractor, who sub-contracts all or part of their work, must obtain proof of workers' compensation coverage or a Certificate of Election to be Exempt from all sub-contractors, prior to work being done. If the sub-contractor is not covered or exempt, for purposes of workers' compensation coverage, the sub-contractor's employees shall become the statutory employees of the contractor. The contractor will be responsible to pay any workers' compensation benefits to the sub-contractor and its employees.



2. **Non-Construction Industry:** An employer in the non-construction industry, who employs four or more part- or full-time employees, must obtain workers' compensation coverage. Corporate officers are considered employees, unless they elect to exempt themselves from the coverage requirements of Chapter 440. Sole proprietors and partners in the non-construction industry are not considered to be employees unless they elect to be employees. Members of a limited liability company will be considered as corporate officers and employees, unless they elect to exempt themselves from the coverage requirements of Chapter 440.



3. **Agricultural Industry:** Agricultural employers with six or more regular employees and/or 12 or more seasonal employees, who work for more than 30 days, must obtain workers' compensation liability coverage for those employees.

4. **Out-of-State Employers:** An out-of-state employer engaged in work in Florida must immediately notify their insurance carrier that it has employees working in Florida. A company that has employees working in Florida must have a Florida workers' compensation insurance policy or an endorsement must be added to the out-of-state policy that lists Florida in Section 3.A. of the policy. A contractor working in Florida who contracts with an out-of-state subcontractor must obtain proof of a Florida workers' compensation policy or an endorsement to the out-of-state employer's policy that lists Florida in Section 3.A. of the policy, on the declaration page. Otherwise, the Florida contractor's policy must include the out-of-state subcontractor and their employees per Chapter 440.10 (1) (g), Florida Statutes.

Extraterritorial Reciprocity: Out-of-state employers whose home jurisdiction has in its statute an "extraterritorial reciprocity" clause allowing temporary employees from another jurisdiction (including Florida) to work under the "home state's" workers' compensation policy is permitted to work in Florida using the workers' compensation policy from their "home state", as long as the work is temporary in nature. Temporary is defined as no more than 10 consecutive days with a maximum of 25 total days in a calendar year. [For a list of the current jurisdictions who have an extraterritorial reciprocity statute, contact the Division of Workers' Compensation at 850.413.1609].

Workers' Compensation Exam Questions

5. True or false? Employers in the construction industry only need workers' compensation coverage if their employees are full-time.
- True
 - False
6. Who may elect to exempt themselves from the workers' compensation coverage requirements?
- Corporate officers
 - Sole proprietors
 - Partners
 - All of the above
7. A construction industry contractor who sub-contracts all or part of their work must obtain which of the following prior to work being done?
- Proof of workers' compensation coverage for all sub-contractors
 - A Certificate of Election to be Exempt from all sub-contractors
 - A Letter for the Division approving sub-contractors for the work
 - Either a or b
8. Employees from another jurisdiction are allowed to work using the workers' compensation policy from their "home state", as long as the work is _____ in nature.
- long-term
 - agricultural
 - temporary
 - seasonal

Obtaining Required Coverage

1. Coverage Options: Contact a Florida-licensed insurance agent to obtain a workers' compensation policy. If the employer has applied for and been rejected by two non-affiliated workers' compensation insurers in the voluntary market, within the last sixty (60) days, they may contact the Florida Workers' Compensation Joint Underwriting Association (FWCJUA) at (941) 378-7400 or go to their website at www.fwcjua.com. The employer may also consider leasing employees from a Professional Employer Organization or PEO. In this circumstance, the PEO becomes the employer and provides workers' compensation coverage to each employee who is paid by the leasing PEO.



2. Accurate Employer Job Classification and Payroll: Since workers' compensation premiums are based on the information provided by the employer, it is important that accurate information such as what type of work is being performed (i.e. interior trim carpentry, roofing, restaurant, clerical, etc.) and estimated payroll for each job classification code is reported to the insurance company. If any changes occur in the job duties or services performed or the employer's payroll amount during the policy term, the employer must notify its insurance company.

3. Professional Employer Organization or Employee Leasing Company: If an employer enters into an employee leasing agreement with a licensed employee leasing company, the agreement entails workers' compensation coverage only for employees listed with the employee leasing company. The client company is responsible for workers' compensation coverage for all non-leased employees. The payroll for all employees must be paid through the leasing company. Any changes in job duties or status of an employee must be reported to the leasing company promptly.

4. **Individual Self Insurers:** Pursuant to Chapter 440.38, F.S., an employer may become individually self-insured and secure the payment of workers' compensation by providing proof of financial strength necessary to ensure timely payments of current and future claims. Authorization and regulation of individual self-insurers is through the Division.
5. **Commercial Self-Insurance Funds:** Pursuant to Chapter 624.462, F.S., a group of persons may form a commercial self-insurance fund for purposes of pooling and spreading liabilities for any commercial and/or casualty insurance. Authorization and regulation of commercial self-insurance funds is through the Office of Insurance Regulation.

Workers' Compensation Exam Questions

9. **If an employer has applied for and been rejected by two non-affiliated workers' compensation insurers in the voluntary market, within the last _____ days, they may contact the Florida Workers' Compensation Joint Underwriting Association.**
- 90
 - 60
 - 45
 - 30
10. **True or false? If an employer has entered into an employee leasing agreement with a licensed employee leasing company, then the agreement entails workers' compensation coverage only for employees listed with the employee leasing company.**
- True
 - False
11. **To become individually self-insured, an employer must do which of the following?**
- Provide proof of financial strength
 - Ensure timely payments of current and future claims
 - Become authorized through the Division
 - All of the above
12. **Authorization and regulation of commercial self-insurance funds is through the _____.**
- Division
 - Professional Employer Organization
 - Office of Insurance Regulation
 - Employee Leasing Bureau

Workers' Compensation Exemption Eligibility Requirements and Information

1. General Information

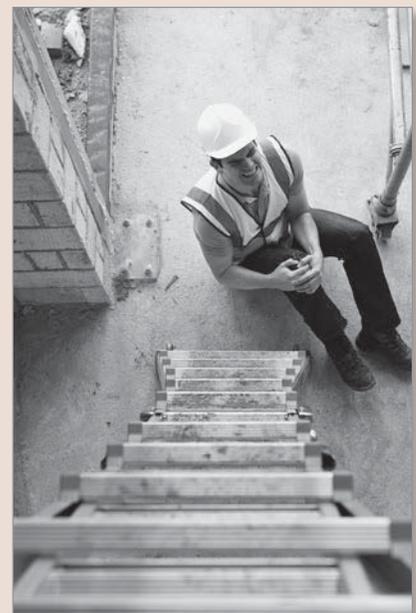
An individual who meets the eligibility requirements to obtain an exemption pursuant to s. 440.05, F.S., may elect an exemption from the coverage requirements of Chapter 440, F.S. Once an exemption is obtained, the exempted individual may not receive workers' compensation benefits when he/she sustains a work-related injury. Certificates of Election to be Exempt shall apply only to the corporate officer named on the Notice of Election to be Exempt and apply only within the scope of the business or trade listed on the Notice of Election to be Exempt.

2. Exemption Eligibility Information

A. Non-Construction Industry:

Corporation:

- The corporation must be registered and listed as active with the Florida Department of State, Division of Corporations.



- The applicant must be listed as an officer of the corporation in the records of the Florida Department of State.
- Applicant cannot be affiliated with an ACTIVE Stop Work Order (SWO), Order of Penalty Assessment (OPA) or Working in Violation (WIV).

Limited Liability Company (LLC):

- The LLC must be registered and listed as active with the Florida Department of State, Division of Corporations.
- The applicant must attest to a minimum 10 percent ownership of the LLC.
- No more than 10 members of an LLC may elect to be exempt.
- Applicant cannot be affiliated with an ACTIVE Stop Work Order (SWO), Order of Penalty Assessment (OPA) or Working in Violation (WIV).

B. Construction Industry:

Corporation:

- The corporation must be registered and listed as active with the Florida Department of State, Division of Corporations.
- The applicant must be listed as an officer of the corporation in the records of the Florida Department of State.
- The applicant must attest to a minimum 10 percent ownership of the corporation.
- No more than three officers of a corporation or of any group of affiliated corporations (including LLCs) may elect to be exempt.
- A \$50.00 application fee is required.
- Applicant cannot be affiliated with an ACTIVE Stop Work Order (SWO), Order of Penalty Assessment (OPA) or Working in Violation (WIV).
- An applicant associated with a payment that is insufficient is not eligible for an exemption.

Limited Liability Company (LLC):

- The LLC must be registered and listed as active with the Florida Department of State, Division of Corporations.
- The applicant must attest to a minimum 10 percent ownership of the LLC.
- No more than three officers of an LLC or of any group of affiliated LLCs (including corporations) may elect to be exempt.
- A \$50.00 application fee is required.
- Applicant cannot be affiliated with an ACTIVE Stop Work Order (SWO), Order of Penalty Assessment (OPA) or Working in Violation (WIV).
- An applicant associated with a payment that is insufficient is not eligible for an exemption.

Out-of-state contractors that are corporations or limited liability companies can qualify as foreign corporations or foreign limited liability companies by filing specific forms and documentation with the Florida Division of Corporations. For more information, please call (850) 245-6051 or log on to www.sunbiz.org.

Workers' Compensation Exam Questions

13. True or false? An individual exempted from workers' compensation coverage can still receive workers' compensation benefits when he/she sustains a work-related injury.
- True
 - False
14. How many members of a non-construction industry LLC can elect to be exempt from workers' compensation coverage?
- 10 members
 - 12 members
 - 5 members
 - 8 members
15. An individual must have at least ____% ownership in a construction industry corporation in order to elect exemption from workers' compensation coverage.
- 20%
 - 15%
 - 10%
 - 5%
16. No more than _____ officers of a construction industry LLC may elect to be exempt from workers' compensation coverage.
- 10
 - 3
 - 5
 - 7

How to Obtain an Exemption:

The Division of Workers' Compensation offers an online system for applicants to apply for or renew a Certificate of Election to be Exempt from Florida's Workers' Compensation Law. To access the DWC Notice of Election to be Exempt online application system, visit www.myfloridacfo.com/Division/WC/. The exemption applicant must personally sign the application and attest that he or she has reviewed, understands, and acknowledges the information as stated on the application. Furthermore, any person other than the applicant signing the application may be guilty of a felony of the third degree. For additional information concerning workers' compensation exemptions, please contact the Division's Customer Service Unit at 850-413-1609 or email wc_exemption@myfloridacfo.com.

Division Enforcement Authority

Enforcement and Authority:

- The Florida Division of Workers' Compensation is responsible for enforcing employer compliance with the coverage requirements of the workers' compensation law. Compliance investigators have the authority to enter and inspect any place of business for purposes of ensuring employer compliance with workers' compensation law. Investigators can also request an employer's business records. An employer must produce the required business records within ten business days of receiving the Division's written request for records.
- The failure of an employer to comply with the workers' compensation coverage requirements is considered to pose an immediate danger to public health, safety, and welfare; the Division shall issue a Stop-Work Order within 72 hours of determination of non-compliance, which requires the employer to cease all business operations.
- If an employer conducts business operations in violation of a Stop-Work Order, the employer shall be assessed an additional penalty of \$1,000 per day for each day of violation.

A Stop-Work Order Can Be Issued:

- When an employer who is required to secure Florida workers' compensation coverage fails to do so;



- When the employer fails to provide records requested by the Division of Workers' Compensation within ten business days of request;
- When an employer materially understates or conceals payroll, misrepresents or conceals employee duties or fails to utilize Florida's class codes and workers' compensation rates.

A Stop-Work Order May Be Released:

- When an employer provides proof of compliance and pays a penalty of \$1,000, as a down payment, and agrees to enter into a payment agreement with the Division for the full amount. The penalty is a minimum of \$1,000 and is based on the insurance premiums which should have been paid, but were not (evaded premium), multiplied by 2 for the prior two years.

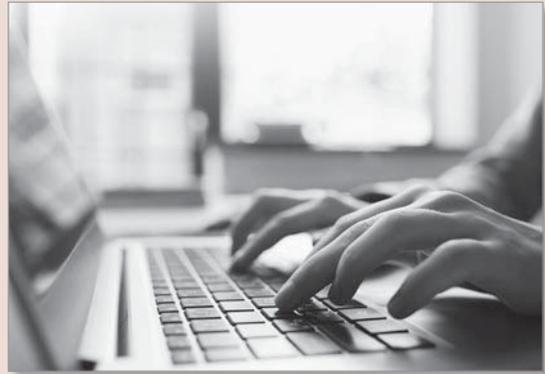


Employer Workers' Compensation Criminal Violations

The following are criminal violations of s. 440.105, F.S., and constitute a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, F.S.

It is unlawful to knowingly:

- Coerce or attempt to coerce, as a precondition to employment or otherwise, an employee to obtain a certificate of election of exemption pursuant to s. 440.05, F.S.
- Discharge or refuse to hire an employee or job applicant because the employee or applicant has filed a claim for benefits.
- Discharge, discipline, or take any other adverse personnel action against any employee for disclosing information to the Division or any law enforcement agency relating to any violation or suspected violation of any of the provisions of Chapter 440.
- Fail to update applications for coverage as required by s. 440.381(1), F.S., within 7 days after the reporting date for any change in the required information, or to post notice of coverage pursuant to s. 440.40, F.S.
- Participate in the creation of the employment relationship in which the employee has used any false, fraudulent, or misleading oral or written statement as evidence of identity.



The following are criminal violations of 440.105, F.S., and constitute a felony of the first, second or third degree depending on the monetary value of the fraud as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.:

- Working without workers' compensation coverage, if required.
- Submitting an altered or fraudulent certificate as proof of coverage for workers' compensation insurance or a false "exemption" certificate.
- Misclassifying employees to lower premiums or treating employees as subcontractors when they are not in order to hide or conceal payroll.
- Violating a stop-work order.

Employees and Employers can submit a fraud referral to Division of Insurance Fraud online at <https://apps8.fldfs.com/first/> or by calling toll-free 1-800-378-0445 (inside Florida) or 850-413-3261 (outside Florida). A reward of up to \$25,000 may be offered to citizens for information leading to an arrest and conviction in complex fraud schemes.

Compliance & Coverage Assistance May Be Obtained From:

1. Construction Policy Tracking Database: The Construction Policy Tracking Database provides information to contractors regarding the coverage status of the contractors they use. This easy-to-use system will send contractors

automatic electronic notification of any changes to their sub-contractors' coverage status. The only action required of the contractor is to register and list the sub-contractors for whom he/she would like to receive coverage notification.

2. Proof of Coverage Database (Compliance): The Compliance Database provides information regarding workers' compensation coverage and exemptions from workers' compensation for employers.

3. Noncompliance On-line Referral Form: To report an employer you suspect has failed to secure required workers' compensation insurance coverage, go to the Division of Workers' Compensation's website at www.myfloridacfo.com/Division/WC/ and select the "Report Suspected Workers' Comp Non-Compliance" icon.

4. Compliance Stop-Work Order Database: The Compliance Stop-Work Order Database lists employers that have been issued a stop-work order.

5. Notice of Election to be Exempt: To access the DWC Notice of Election to be Exempt online application system, visit <http://www.myfloridacfo.com/Division/WC/>.

These and other databases can be found at <http://www.myfloridacfo.com/Division/WC/>.



Workers' Compensation Exam Questions

17. Investigators can request an employer's business records. An employer must produce the required business records within _____ business days of receiving the Division's written request for records.
- 5
 - 7
 - 10
 - 15
18. If an employer does not comply with the workers' compensation coverage requirements the Division shall issue a Stop-Work Order within _____ hours of determination of non-compliance.
- 72
 - 48
 - 24
 - 12
19. If an employer conducts business operations in violation of a Stop-Work Order, the employer shall be assessed an additional penalty of \$_____ per day for each day of violation.
- \$100
 - \$500
 - \$1,000
 - \$10,000
20. A reward of up to \$_____ may be offered to citizens for information leading to an arrest and conviction in complex fraud schemes.
- \$25,000
 - \$20,000
 - \$10,000
 - \$5,000

Part Two: Workplace Safety

Hand and Power Tool Safety

From OSHA: The Occupational and Health Administration

1. What is the Purpose of Hand and Power Tool Safety?

This section of your course is designed to present workers with the basic safety procedures and safeguards associated with hand and portable power tools. The following sections identify various types of hand and power

tools and their potential hazards. They also identify ways to prevent worker injury through proper use of the tools and through the use of appropriate personal protective equipment.

Please note: Material in this course is based on the standards of the Occupational Safety and Health Administration (OSHA). This course should not be considered as a substitute for the full safety and health standards for general industry, or for the construction industry. These texts are available at www.osha.gov.

2. The Danger of Hand and Portable Power Tools

Tools are such a common part of our lives that it is difficult to remember that they may pose hazards. A serious incident can occur before steps are taken to identify and avoid, or eliminate tool-related hazards. The following measures should always be taken:

- Workers who use hand and power tools must be provided with the appropriate personal protective equipment.
- All electrical connections for these tools must be suitable for the type of tool and the working conditions (wet, dusty, flammable vapors).
- When a temporary power source is used for construction, a ground-fault circuit interrupter should be used.
- Workers should be trained in the proper use of all tools.
- Workers should be able to recognize the hazards associated with the different types of tools and the safety precautions necessary.

Here are five basic safety rules that can help prevent hazards associated with the use of hand and power tools:

1. Keep all tools in good condition with regular maintenance.
2. Use the right tool for the job.
3. Examine each tool for damage before use and do not use damaged tools.
4. Operate tools according to the manufacturers' instructions.
5. Provide and use properly the right personal protective equipment.

Employees and employers should work together to establish safe working procedures. If a hazardous situation is encountered, it should be brought to the attention of the proper individual for hazard abatement immediately.

3. The Hazards of Hand Tools

What are hand tools? Hand tools are tools that are powered manually. Hand tools include anything from axes to wrenches. The greatest hazards posed by hand tools result from misuse and improper maintenance. Some examples of misuse include the following:

- If a chisel is used as a screwdriver, the tip of the chisel may break and fly off, hitting the user or other workers.
- If a wooden handle on a tool, such as a hammer or an axe, is loose, splintered, or cracked, the head of the tool may fly off and strike the user or other workers.
- If the jaws of a wrench are sprung, the wrench might slip.
- If impact tools such as chisels, wedges, or drift pins have mushroomed heads, the heads might shatter on impact, sending sharp fragments flying toward the user or other workers.



The employer is responsible for the safe condition of tools and equipment used by employees. Employers shall not issue or permit the use of unsafe hand tools. Employees should be trained in the proper use and handling of tools and equipment.

When using saw blades, knives, or other tools, workers should direct the tools away from aisle areas and away from others working in close proximity. Knives and scissors must be sharp; dull tools can cause more hazards than sharp ones. Cracked saw blades must be removed from service.

Wrenches must not be used when jaws are sprung to the point that slippage occurs. Impact tools such as drift pins, wedges, and chisels must be kept free of mushroomed heads. The wooden handles of tools must not be splintered.

Iron or steel hand tools may produce sparks that can be an ignition source around flammable substances. Where this hazard exists, spark-resistant tools made of non-ferrous materials should be used where flammable gases, highly volatile liquids, and other explosive substances are stored or used.

Appropriate personal protective equipment such as safety goggles and gloves must be worn to protect against hazards that may be encountered while using hand tools. Workplace floors shall be kept as clean and dry as possible to prevent accidental slips with or around dangerous hand tools.



Workplace Safety Exam Question

21. **Which of the following measures should be taken when working with hand and/or power tools?**
 - a. Workers should be provided with the appropriate personal protective equipment
 - b. Workers should be trained in the proper use of all tools
 - c. All electrical connections must be suitable for the type of working conditions
 - d. All of the above
22. **When should a hazardous situation be reported?**
 - a. Within 2-3 days
 - b. Immediately
 - c. At the beginning of the month
 - d. During staff meetings
23. **What are hand tools?**
 - a. Tools that are powered manually
 - b. Tools that are powered electrically
 - c. Tools that are powered pneumatically
 - d. Tools that are powered hydraulically
24. **The greatest hazards from hand tools result from?**
 - a. Misuse
 - b. Improper maintenance
 - c. Both a and b
 - d. None of the above
25. **True or false? Sharp tools can cause more hazards than dull ones.**
 - a. True
 - b. False
26. **When should spark-resistant tools made of non-ferrous materials be used?**
 - a. Around flammable gases
 - b. Around highly volatile liquids
 - c. Around explosive substances
 - d. All of the above

4. The Dangers of Power Tools

The types of power tools are determined by their power source: electric, pneumatic, liquid fuel, hydraulic, and powder-actuated. Power tools must be fitted with guards and safety switches; they are extremely hazardous when used improperly. To prevent hazards associated with the use of power tools, workers should observe the following general precautions:

- Never carry a tool by the cord or hose.
- Never yank the cord or the hose to disconnect it from the receptacle.
- Keep cords and hoses away from heat, oil, and sharp edges.
- Disconnect tools when not using them, before servicing and cleaning them, and when changing accessories such as blades, bits, and cutters.
- Keep all people not involved with the work at a safe distance from the work area.
- Secure work with clamps or a vise, freeing both hands to operate the tool.
- Avoid accidental starting. Do not hold fingers on the switch button while carrying a plugged-in tool.
- Maintain tools with care; keep them sharp and clean for best performance.
- Follow instructions in the user's manual for lubricating and changing accessories.
- Be sure to keep good footing and maintain good balance when operating power tools.
- Wear proper apparel for the task. Loose clothing, ties, or jewelry can become caught in moving parts.
- Remove all damaged portable electric tools from use and tag them: "Do Not Use."



5. Guards

The exposed moving parts of power tools need to be safe-guarded. Belts, gears, shafts, pulleys, sprockets, spindles, drums, flywheels, chains, or other reciprocating, rotating, or moving parts of equipment must be guarded. Machine guards, as appropriate, must be provided to protect the operator and others from the following:

- Point of operation.
- In-running nip points.
- Rotating parts.
- Flying chips and sparks.

Safety guards must never be removed when a tool is being used. Portable circular saws having a blade greater than 2 inches in diameter must be equipped at all times with guards. An upper guard must cover the entire blade of the saw. A retractable lower guard must cover the teeth of the saw, except where it makes contact with the work material. The lower guard must automatically return to the covering position when the tool is withdrawn from the work material.

Workplace Safety Exam Question

27. Which of the following are types of power tools?
- Manual
 - Liquid fuel
 - Hydraulic
 - Both b and c
28. What should all power tools be fitted with?
- Guards
 - Safety switches
 - Both a and b
 - Batteries
29. True or false? The best method for disconnecting a cord from the receptacle is to yank it.
- True
 - False
30. Portable circular saws having a blade greater than _____ inches in diameter must be equipped at all times with guards.
- 2 inches
 - ½ inch
 - ¾ inch
 - 1 ½ inches
31. True or false? Safety guards must never be removed when a tool is being used.
- True
 - False

6. Operating Controls and Switches

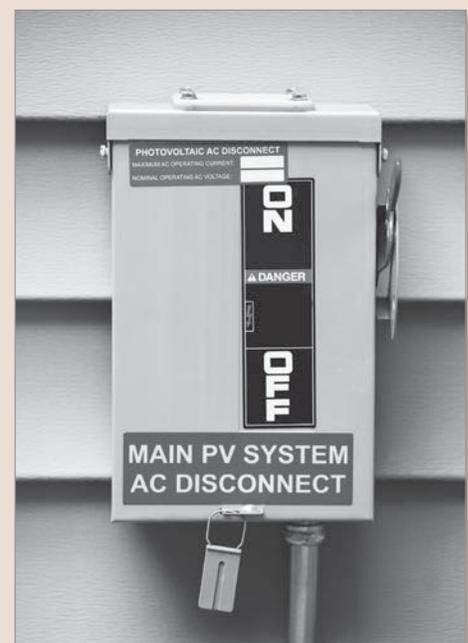
The following hand-held power tools must be equipped with a constant-pressure switch or control that shuts off the power when pressure is released:

- Drills
- Tappers
- fastener drivers
- horizontal, vertical, and angle grinders with wheels more than 2 inches in diameter
- disc sanders with discs greater than 2 inches
- belt sanders
- reciprocating saws
- saber saws, scroll saws, and jigsaws with blade shanks greater than 1/4-inch wide
- other similar tools

These tools also may be equipped with a “lock-on” control, if it allows the worker to also shut off the control in a single motion using the same finger or fingers. The following hand-held power tools must be equipped with either a positive “on-off” control switch, a constant pressure switch, or a “lock-on” control:

- disc sanders with discs 2 inches or less in diameter
- grinders with wheels 2 inches or less in diameter
- platen sanders, routers, planers, laminate trimmers, nibblers, shears, and scroll saws
- jigsaws, saber and scroll saws with blade shanks a nominal 1/4-inch or less in diameter

It is recommended that the constant-pressure control switch be regarded as the preferred device. Other hand-held power tools such as circular saws having a blade diameter greater than 2 inches, chain saws, and percussion



tools with no means of holding accessories securely must be equipped with a constant-pressure switch.

7. Electric Tools

Employees using electric tools must be aware of several dangers. Among the most serious hazards are electrical burns and shocks. Electrical shocks, which can lead to injuries such as heart failure and burns, are among the major hazards associated with electric-powered tools. Under certain conditions, even a small amount of electric current can result in fibrillation of the heart and death. An electric shock also can cause the user to fall off a ladder or other elevated work surface and be injured due to the fall.



To protect the user from shock and burns, electric tools must have a three-wire cord with a ground and be plugged into a grounded receptacle, be double insulated, or be powered by a low-voltage isolation transformer. Three-wire cords contain two current-carrying conductors and a grounding conductor. Any time an adapter is used to accommodate a two-hole receptacle, the adapter wire must be attached to a known ground. The third prong must never be removed from the plug.

Double-insulated tools are available that provide protection against electrical shock without third-wire grounding. On double-insulated tools, an internal layer of protective insulation completely isolates the external housing of the tool.

The following general practices should be followed when using electric tools:

- Operate electric tools within their design limitations.
- Use gloves and appropriate safety footwear when using electric tools.
- Store electric tools in a dry place when not in use.
- Do not use electric tools in damp or wet locations unless they are approved for that purpose.
- Keep work areas well lighted when operating electric tools.
- Ensure that cords from electric tools do not present a tripping hazard.

In the construction industry, workers who use electric tools must be protected by ground-fault circuit interrupters or an assured equipment-grounding conductor program.

Workplace Safety Exam Question

32. A reciprocating saw must be equipped with which of the following?

- a. A positive "on-off" control switch
- b. A "lock-on" control
- c. A constant-pressure switch or control that shuts off the power when pressure is released
- d. None of the above

33. A jigsaw must be equipped with which of the following?

- a. A positive "on-off" control switch
- b. A "lock-on" control
- c. A constant-pressure switch or control that shuts off the power when pressure is released
- d. Either a or b

34. What are some of the most serious hazards associated with electric tools?

- a. Electrical burns and shocks
- b. Severed limbs
- c. Paralysis from falls
- d. There are no risks when using electric tools

35. Where should electric tools be stored when not in use?

- a. A place below 70 degrees Fahrenheit
- b. A place that is well lighted
- c. A dry place
- d. A damp or wet location

8. Portable Abrasive Wheel Tools

Portable abrasive grinding, cutting, polishing, and wire buffing wheels create special safety problems because they may throw off flying fragments. Abrasive wheel tools must be equipped with guards that:

- cover the spindle end, nut, and flange projections
- maintain proper alignment with the wheel
- do not exceed the strength of the fastenings

Before an abrasive wheel is mounted, it must be inspected closely for damage and should be sound, or ring, tested to ensure that it is free from cracks or defects. To be tested, wheels should be tapped gently with a light, non-metallic instrument. If the wheels sound cracked or dead, they must not be used because they could fly apart in operation. A stable and undamaged wheel, when tapped, will give a clear metallic tone or “ring.”

To prevent an abrasive wheel from cracking, it must fit freely on the spindle. The spindle nut must be tightened enough to hold the wheel in place without distorting the flange. Always follow the manufacturer’s recommendations. Take care to ensure that the spindle speed of the machine will not exceed the maximum operating speed marked on the wheel.

An abrasive wheel may disintegrate or explode during start-up. Allow the tool to come up to operating speed prior to grinding or cutting. The employee should never stand in the plane of rotation of the wheel as it accelerates to full operating speed. Portable grinding tools need to be equipped with safety guards to protect workers not only from the moving wheel surface, but also from flying fragments in case of wheel breakage. When using a powered grinder:

- Always use eye or face protection.
- Turn off the power when not in use.
- Never clamp a hand-held grinder in a vise.

9. Pneumatic Tools

Pneumatic tools are powered by compressed air and include:

- chippers
- drills
- hammers
- sanders

There are several dangers associated with the use of pneumatic tools. First and foremost is the danger of getting hit by one of the tool’s attachments or by some kind of fastener the worker is using with the tool.

Pneumatic tools must be checked to see that the tools are fastened securely to the air hose to prevent them from becoming disconnected. A short wire or positive locking device attaching the air hose to the tool must also be used and will serve as an added safeguard. If an air hose is more than 1/2-inch in diameter, a safety excess flow valve must be installed at the source of the air supply to reduce pressure in case of hose failure. In general, the same precautions should be taken with an air hose that are recommended for electric cords, because the hose is subject to the same kind of damage or accidental striking, and because it also presents tripping hazards.

When using pneumatic tools, a safety clip or retainer must be installed to prevent attachments such as chisels on a chipping hammer from being ejected during tool operation. Pneumatic tools that shoot nails, rivets, staples, or similar fasteners and operate at pressures more than 100 pounds per square inch, must be equipped with a special device to keep fasteners from being ejected, unless the muzzle is pressed against the work surface.



Airless spray guns that atomize paints and fluids at pressures of 1,000 pounds or more per square inch, must be equipped with automatic or visible manual safety devices that will prevent pulling the trigger until the safety device is manually released.

Eye protection is required, and head and face protection is recommended for employees working with pneumatic tools.

Screens must also be set up to protect nearby workers from being struck by flying fragments around chippers, riveting guns, staplers, or air drills. Compressed air guns should never be pointed toward anyone. Workers should never “dead-end” them against themselves or anyone else. A chip guard must be used when compressed air is used for cleaning.

Use of heavy jackhammers can cause fatigue and strains. Heavy rubber grips reduce these effects by providing a secure handhold. Workers operating a jackhammer must wear safety glasses and safety shoes that protect them against injury if the jackhammer slips or falls. A face shield also should be used. Noise is another hazard associated with pneumatic tools. Working with noisy tools such as jackhammers requires proper, effective use of appropriate hearing protection.

10. Liquid Fuel Tools

Fuel-powered tools are usually operated with gasoline. The most serious hazard associated with the use of fuel-powered tools comes from fuel vapors that can burn or explode and also give off dangerous exhaust fumes. The worker must be careful to handle, transport, and store gas or fuel only in approved flammable liquid containers, according to proper procedures for flammable liquids.

Before refilling a fuel-powered tool tank, the user must shut down the engine and allow it to cool to prevent accidental ignition of hazardous vapors. When a fuel-powered tool is used inside a closed area, effective ventilation and/or proper respirators such as atmosphere-supplying respirators must be utilized to avoid breathing carbon monoxide. Fire extinguishers must also be available in the area.

11. Powder-Actuated Tools

Powder-actuated tools operate like a loaded gun and must be treated with extreme caution. In fact, they are so dangerous that they must be operated only by specially trained workers. When using powder-actuated tools, a worker must wear suitable ear, eye, and face protection. The user must select a powder level—high or low velocity—that is appropriate for the powder-actuated tool and necessary to do the work without excessive force. The muzzle end of the tool must have a protective shield or guard centered perpendicular to and concentric with the barrel to confine any fragments or particles that are projected when the tool is fired.

A tool containing a high-velocity load must be designed not to fire unless it has this kind of safety device.

To prevent the tool from firing accidentally, two separate motions are required for firing. The first motion is to bring the tool into the firing position, and the second motion is to pull the trigger. The tool must not be able



to operate until it is pressed against the work surface with a force of at least 5 pounds greater than the total weight of the tool.

Safety precautions that must be followed when using powder-actuated tools include the following:

- Do not use a tool in an explosive or flammable atmosphere.
- Inspect the tool before using it to determine that it is clean, that all moving parts operate freely, and that the barrel is free from obstructions and has the proper shield, guard, and attachments recommended by the manufacturer.
- Do not load the tool unless it is to be used immediately.
- Do not leave a loaded tool unattended, especially where it would be available to unauthorized persons.
- Keep hands clear of the barrel end.
- Never point the tool at anyone.

When using powder-actuated tools to apply fasteners, several additional procedures must be followed:

- Do not fire fasteners into material that would allow the fasteners to pass through to the other side.
- Do not drive fasteners into very hard or brittle material that might chip or splatter or make the fasteners ricochet.
- Always use an alignment guide when shooting fasteners into existing holes.
- When using a high-velocity tool, do not drive fasteners more than 3 inches from an unsupported edge or corner of material such as brick or concrete.
- When using a high velocity tool, do not place fasteners in steel any closer than 1/2-inch from an unsupported corner edge unless a special guard, fixture, or jig is used.

12. Hydraulic Power Tools

The fluid used in hydraulic power tools must be an approved fire-resistant fluid and must retain its operating characteristics at the most extreme temperatures to which it will be exposed. The exception to fire-resistant fluid involves all hydraulic fluids used for the insulated sections of derrick trucks, aerial lifts, and hydraulic tools that are used on or around energized lines. This hydraulic fluid shall be of the insulating type. The manufacturer's recommended safe operating pressure for hoses, valves, pipes, filters, and other fittings must not be exceeded.

All jacks—including lever and ratchet jacks, screw jacks, and hydraulic jacks—must have a stop indicator, and the stop limit must not be exceeded. Also, the manufacturer's load limit must be permanently marked in a prominent place on the jack, and the load limit must not be exceeded. A jack should never be used to support a lifted load. Once the load has been lifted, it must immediately be blocked up. Put a block under the base of the jack when the foundation is not firm, and place a block between the jack cap and load if the cap might slip.

To set up a jack, make certain of the following:

- The base of the jack rests on a firm, level surface;
- The jack is correctly centered;
- The jack head bears against a level surface; and
- The lift force is applied evenly.

Proper maintenance of jacks is essential for safety. All jacks must be lubricated regularly. In addition, each jack must be inspected according to the following schedule:

1. for jacks used continuously or intermittently at one site—inspected at least once every 6 months,
2. for jacks sent out of the shop for special work—inspected when sent out and inspected when returned, and
3. for jacks subjected to abnormal loads or shock—inspected before use and immediately thereafter.

Workplace Safety Exam Question

36. When tapped, a stable and undamaged wheel will make what kind of sound?
- A cracked or dead sound
 - A clear metallic tone or "ring"
 - A soft humming sound
 - A loud bang
37. What safety measures should be taken when using a powered grinder?
- Eye or face protection
 - Turn the power off when not in use
 - Never clamp a hand-held grinder in a vise
 - All of the above
38. What are pneumatic tools powered with?
- Compressed air
 - Liquid fuel
 - Electricity
 - Pressurized water
39. True or false? A liquid fueled tool should always be "on" when refilling with gasoline.
- True
 - False
40. How often should jacks used continuously at one site be inspected?
- Immediately before and after use
 - When sent out of the shop for work
 - At least once every 6 months
 - At least once every year

Part Three: Business Practices

Advertising FAQs: A Guide for Businesses

From the Federal Trade Commission: Protecting America's Consumers

The Federal Trade Commission (FTC) released this FAQ to help business owners better understand and comply with truth-in-advertising standards. These FAQs also address other issues that can arise from advertising a business' products and services. This part of your course is designed to emphasize the importance of complying with rules that regulate advertising as well as provide resources if additional assistance is needed to meet the FTC's standards.

Truth-In-Advertising Standards

What truth-in-advertising rules apply to advertisers?

Under the Federal Trade Commission Act:

- Advertising must be truthful and non-deceptive;
- Advertisers must have evidence to back up their claims; and
- Advertisements cannot be unfair.

Additional laws apply to ads for specialized products like consumer leases, credit, 900 telephone numbers, and products sold through mail order or telephone sales. And every state has consumer protection laws that govern ads running in that state.



What makes an advertisement deceptive?

According to the FTC's Deception Policy Statement, an ad is deceptive if it contains a statement - or omits information - that:

- Is likely to mislead consumers acting reasonably under the circumstances; and
- Is "material" - that is, important to a consumer's decision to buy or use the product.

What makes an advertisement unfair?

According to the Federal Trade Commission Act and the FTC's Unfairness Policy Statement, an ad or business practice is unfair if:

- it causes or is likely to cause substantial consumer injury which a consumer could not reasonably avoid; and
- it is not outweighed by the benefit to consumers.

How does the FTC determine if an ad is deceptive?

A typical inquiry follows these steps:

- The FTC looks at the ad from the point of view of the "reasonable consumer" - the typical person looking at the ad. Rather than focusing on certain words, the FTC looks at the ad in context - words, phrases, and pictures - to determine what it conveys to consumers.
- The FTC looks at both "express" and "implied" claims. An express claim is literally made in the ad. For example, "ABC Mouthwash prevents colds" is an express claim that the product will prevent colds. An implied claim is one made indirectly or by inference. "ABC Mouthwash kills the germs that cause colds" contains an implied claim that the product will prevent colds. Although the ad doesn't literally say that the product prevents colds, it would be reasonable for a consumer to conclude from the statement "kills the germs that cause colds" that the product will prevent colds. Under the law, advertisers must have proof to back up express and implied claims that consumers take from an ad.
- The FTC looks at what the ad does not say - that is, if the failure to include information leaves consumers with a misimpression about the product. For example, if a company advertised a collection of books, the ad would be deceptive if it did not disclose that consumers actually would receive abridged versions of the books.
- The FTC looks at whether the claim would be "material" - that is, important to a consumer's decision to buy or use the product. Examples of material claims are representations about a product's performance, features, safety, price, or effectiveness.
- The FTC looks at whether the advertiser has sufficient evidence to support the claims in the ad. The law requires that advertisers have proof before the ad runs.

Business Practices Exam Questions

41. Under the Federal Trade Commission Act, advertising must _____.

- be truthful
- be non-deceptive
- have evidence to back up a claim
- all of the above

42. True or false? All advertising laws are implemented through the Federal Trade Commission Act. States do not have their own laws governing advertisements.

- True
- False

43. According to the FTC, an ad is deceptive if it contains a statement - or omits information - that does which of the following?

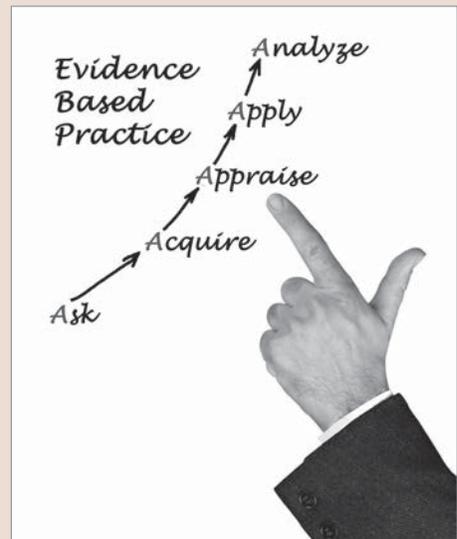
- Provides material examples of the product
- Provides evidence that backs up the ad's claims
- Misleads consumers acting reasonably under the circumstances
- Directly injures the consumer

44. According to the Federal Trade Commission Act, an ad or business practice is unfair if it _____.
- causes or is likely to cause substantial consumer injury which a consumer could not reasonably avoid
 - is not outweighed by the benefit to consumers
 - Both a and b
 - None of the above

45. Which of the following does the FTC do when reviewing an ad?
- The FTC focuses on specific words rather than the ad in context
 - The FTC looks at only "implied" claims
 - The FTC does not take evidence into consideration
 - The FTC looks at what the ad does not say

What kind of evidence must a company have to support the claims in its ads?

Before a company runs an ad, it has to have a "reasonable basis" for the claims. A "reasonable basis" means objective evidence that supports the claim. The kind of evidence depends on the claim. At a minimum, an advertiser must have the level of evidence that it says it has. For example, the statement "Two out of three doctors recommend ABC Pain Reliever" must be supported by a reliable survey to that effect. If the ad isn't specific, the FTC looks at several factors to determine what level of proof is necessary, including what experts in the field think is needed to support the claim. In most cases, ads that make health or safety claims must be supported by "competent and reliable scientific evidence" - tests, studies, or other scientific evidence that has been evaluated by people qualified to review it. In addition, any tests or studies must be conducted using methods that experts in the field accept as accurate.



Are letters from satisfied customers sufficient to substantiate a claim?

No. Statements from satisfied customers usually are not sufficient to support a health or safety claim or any other claim that requires objective evaluation.

My company offers a money-back guarantee. Very few people have ever asked for their money back. Must we still have proof to support our advertising claims?

Yes. Offering a money-back guarantee is not a substitute for substantiation. Advertisers still must have proof to support their claims.

What penalties can be imposed against a company that runs a false or deceptive ad?

The penalties depend on the nature of the violation. The remedies that the FTC or the courts have imposed include:

- Cease and desist orders. These legally-binding orders require companies to stop running the deceptive ad or engaging in the deceptive practice, to have substantiation for claims in future ads, to report periodically to FTC staff about the substantiation they have for claims in new ads, and to pay a fine of \$40,654 per day per ad if the company violates the law in the future.
- Civil penalties, consumer redress and other monetary remedies. Civil penalties range from



thousands of dollars to millions of dollars, depending on the nature of the violation. Sometimes advertisers have been ordered to give full or partial refunds to all consumers who bought the product.

- Corrective advertising, disclosures and other informational remedies. Advertisers have been required to take out new ads to correct the misinformation conveyed in the original ad, notify purchasers about deceptive claims in ads, include specific disclosures in future ads, or provide other information to consumers.

Will the FTC review my company's ads before they run to make sure that we've complied with the law?

FTC staff cannot clear your ads in advance. However, there is guidance to help you comply with the law. Information about advertising particular kinds of products (for example, foods, dietary supplements, or "environmentally friendly" merchandise), advertising credit, and guidelines for advertising on the Internet is available at www.ftc.gov. For more general information on advertising policies, call the FTC's Division of Advertising Practices at 202-326-3090.

What can my company do if a competitor is running an ad that I think is deceptive?

You can:

- Explore your legal options under federal and state statutes that protect businesses from unfair competition. For example, the Lanham Act gives companies the right to sue their competitors for making deceptive claims in ads.
- File a complaint with the National Advertising Division (NAD) of the Council of Better Business Bureaus, if your competitor's ad is running nationally or regionally. The NAD is a private, self-regulatory group affiliated with the BBB. It investigates allegations of deceptive advertising and gives advertisers a mechanism for resolving disputes voluntarily.
- Call your local BBB or file an online complaint with the Better Business Bureau if the ad is local. Many BBBs have procedures for resolving disputes between businesses.
- Contact the radio station, television station, or publication where the ad ran. Let them know that they're running an ad you think may be deceptive.
- Contact your state Attorney General's Office or your city, county, or state Office of Consumer Affairs. To get their phone numbers, check your telephone directory.
- Contact the FTC. By mail: Federal Trade Commission, Consumer Response Center, 600 Pennsylvania Avenue, NW, Washington, DC 20580; by telephone: toll-free 1-877-FTC-HELP.

Business Practices Exam Questions

46. True or false? Letters from satisfied customers cannot be used to substantiate a claim in an advertisement.
- True
 - False
47. True or false? Offering a money-back guarantee can serve as a substitute for substantiation.
- True
 - False
48. Which of the following are penalties that can be imposed against a business that runs a false or deceptive advertisement?
- Cease and desist orders
 - Monetary remedies
 - Corrective advertising
 - All of the above
49. Civil penalties for deceptive advertising range from _____ of dollars to _____ of dollars, depending on the nature of the violation.
- hundreds, thousands
 - thousands, millions
 - millions, billions
 - None of the above

50. Which of the following can be done if a competitor is running a deceptive ad?
- Explore legal options under federal and state statutes that protect businesses from unfair competition.
 - File a complaint with the National Advertising Division (NAD) of the Council of Better Business Bureaus.
 - Contact the radio station, television station, or publication where the ad ran. Let them know that they're running an ad you think may be deceptive.
 - All of the above

Other Advertising Issues

1. Bait and Switch

How does the FTC define "bait and switch" advertising?

It's illegal to advertise a product when the company has no intention of selling that item, but instead plans to sell a consumer something else, usually at a higher price. For more information, ask the FTC for its [Guides Against Bait Advertising](#).

2. Comparative Advertising

Is it legal for a company to compare its product to another company's product in an ad?

Comparative advertising is legal as long as it is truthful. For more information, ask the FTC for the [Comparative Advertising Policy Statement](#).

3. Disclosures and Disclaimers

Does FTC law specify how disclaimers or disclosures must appear in ads?

Some laws and regulations enforced by the FTC, such as the 900 Number Rule, the Truth in Lending Act, and the Consumer Leasing Act, have specific requirements that apply to advertising, including that certain information must be "clearly and conspicuously" disclosed. For more information, ask the FTC for the publications [Complying with the 900 Number Rule and Advertising Consumer Leases](#).



How prominent does a disclaimer or disclosure have to be in other kinds of ads?

When the disclosure of qualifying information is necessary to prevent an ad from being deceptive, the information should be presented clearly and conspicuously so that consumers can actually notice and understand it. A fine-print disclosure at the bottom of a print ad, a disclaimer buried in a body of text unrelated to the claim being qualified, a brief video superscript in a television ad, or a disclaimer that is easily missed on a website are not likely to be effective. Nor can advertisers use fine print to contradict other statements in an ad or to clear up misimpressions that the ad would leave otherwise. For example, if an ad for a diet product claims "Lose 10 pounds in one week without dieting," the fine-print statement "Diet and exercise required" is insufficient to remedy the deceptive claim in the ad. To ensure that disclosures are effective, advertisers should use clear and unambiguous language, place any qualifying information close to the claim being qualified, and avoid using small type or any distracting elements that could undercut the disclosure. Although there is no hard-and-fast

rule about the size of type in a print ad or the length of time a disclosure must appear on TV, the FTC often has taken action when a disclaimer or disclosure is too small, flashes across the screen too quickly, is buried in other information, or is otherwise hard for consumers to understand. Most importantly, if you are concerned that a disclaimer or disclosure may be necessary to clarify a claim, evaluate your ad copy and substantiation carefully to ensure that you are not misleading consumers.

What about disclaimers and disclosures online?

Regardless of whether you advertise on TV or radio, in print ads, through direct mail or online, the law is the same: disclaimers and disclosures must be "clear and conspicuous." [Dot Com Disclosures](#) offers special guidance for online advertisers regarding 'Net specific issues such as banner ads, pop-up windows, scrolling, hyperlinks, etc.



4. Endorsements and Testimonials

Are there any rules on how endorsements may be used in ads?

The FTC's [Guides Concerning the Use of Testimonials and Endorsements](#) offer practical advice on endorsements by consumers, celebrities, and experts. All endorsements must reflect the honest experience or opinion of the endorser. Endorsements may not contain representations that would be deceptive, or could not be substantiated, if the advertiser made them directly.

- Endorsements by consumers must reflect the typical experience of consumers who use the product, not the experience of just a few satisfied customers. If an endorsement doesn't reflect users' typical experience, the ad must clearly disclose either what consumers can expect their results to be or the limited applicability of the endorser's experience. Saying "Not all consumers will get these results" or "Your results may vary" is not enough.
- Endorsements by celebrities must reflect the celebrity's honest experience or opinion. If the endorsement represents that the celebrity uses the product, that celebrity actually must use the product. Once a celebrity (or expert) has endorsed a product, the advertiser has an obligation to make sure the endorsement continues to reflect the endorser's opinion.
- To give an expert endorsement, a person must have sufficient qualifications to be considered an expert in the field. But just being an expert isn't enough. Expert endorsements must be supported by an actual evaluation, examination, or testing of the product that other experts in the field normally would conduct to support the conclusions in the endorsement.
- Advertisers also must disclose any material connection between a person endorsing a product and the company selling the product. A "material connection" is defined as a relationship that might affect the weight or credibility of the endorsement. For example, if an endorser is an employee or relative of the advertiser, that fact must be disclosed because it is relevant to how much weight a consumer would give to the endorsement. Similarly, an advertiser must disclose if a consumer has been paid for giving an endorsement.



5. Energy Savings Claims

Are there rules for making energy savings claims in ads?

The FTC's [Appliance Labeling Rule](#) and the R-Value Rule address energy savings claims for appliances, lighting products, and insulation. For example, under these rules, energy efficiency claims in ads must be based on specific standardized tests.

6. Environmental Advertising

Are there rules for using environmental claims like "recycled" or "ozone-friendly"?

The FTC's [Guides for the Use of Environmental Claims](#) cover how words like biodegradable, recyclable, and environmentally friendly can be used in ads. In addition, some states have laws governing environmental claims. Check with the Attorney General's office of the state(s) where you plan to advertise. If you make environmental claims or use environmental symbols on your direct mail advertising, ask the FTC for [Making Environmental Marketing Claims on Mail](#).

Business Practices Exam Questions

51. Which of the following is true regarding bait and switch advertising?
- It is illegal to advertise a product with no intention of selling that item, but instead plan to sell a consumer something else
 - It is legal to advertise a product with no intention of selling that item and instead plan to sell a consumer something else as long as the advertised item is also sold
 - It is legal to advertise a product with no intention of selling that item and plan to sell a consumer something else as long as that item is less expensive than the advertised item
 - All of the above
52. Is it legal for a company to compare its product to another company's product in an ad?
- This is legal as long as the product is unnamed
 - This is legal as long as it is truthful
 - This is legal as long as the other company is anonymous
 - This is illegal
53. Which of the following disclaimers are considered ineffective by the FTC?
- A fine-print disclosure at the bottom of a print ad
 - A brief video superscript in a television ad
 - A disclaimer that is easily missed on a website
 - All of the above
54. A "material connection" is defined as which of the following?
- Possessing sufficient qualifications to be considered an expert in the field
 - An honest experience or opinion
 - A relationship that might affect the weight or credibility of the endorsement
 - The typical experience of consumers who use the product
55. Which FTC rules regulate advertising regarding energy savings claims?
- The Appliance Labeling Rule
 - The R-Value Rule
 - The Environmental Claims Rule
 - Both a and b

7. "Free" Claims and Rebate Offers

When can a company advertise something as "free"?

When a "free" offer is tied to the purchase of another product, the price of the purchased product should not be increased from its regular price. For more information, ask the FTC for the [Guides Concerning Use of the Word "Free" and Other Representations](#) and the [Guides Against Deceptive Pricing](#). In addition, if you're advertising a product as "free" or offering it at a low cost in conjunction with the purchase of another item, the ad should clearly



and conspicuously disclose the terms and conditions of the offer. Disclose the most important information - like the terms affecting the cost of the offer - near the advertised price. For more information, ask the FTC for [Big Print. Little Print. What's the Deal?](#) You also may want to check with the Attorney General's office in the state(s) where you plan to advertise. In addition, the Better Business Bureau has voluntary standards for when something can be advertised as "free."

What are the rules on advertising rebates to consumers?

Ads that include rebate promotions should prominently state the before-rebate cost, as well as the amount of the rebate. Only then will consumers know their actual out-of-pocket cost and have the information they need to comparison shop. Rebate promotions also should clearly disclose any additional terms and conditions that consumers need to know, including the key terms of any purchase requirements, additional fees, and when consumers can expect to receive their rebate. The FTC's brochure [Big Print. Little Print. What's the Deal?](#) outlines other factors advertisers should bear in mind when making rebate promotions.

8. Guarantees

When a company advertises that products are sold with a guarantee or warranty, what information about the terms and conditions must be included in the ads?

If an ad mentions that a product comes with a guarantee or warranty, the ad should clearly disclose how consumers can get the details. Any conditions or limits on the guarantee or warranty (such as a time limit or a requirement that the consumer return the product) also must be clearly disclosed in the ad. Finally, the law requires companies to make copies of any warranties available to consumers before the sale. This applies to retail sales, sales by phone or mail, and online transactions. For more information, ask the FTC for the Guides for the Advertising of Warranties and Guarantees.

9. Internet Advertising

Is advertising on the Internet subject to the same laws as other advertising?

Yes. Ad claims on the Internet must be truthful and substantiated. Ask the FTC for a copy of [Advertising and Marketing on the Internet: The Rules of the Road](#) for more information. [Dot Com Disclosures](#) offers special guidance for online advertisers regarding how to make sure that any disclaimers and disclosures in online ads are clear and conspicuous. It addresses 'Net specific issues such as banner ads, pop-up windows, scrolling, hyperlinks, etc. Internet marketers also should be aware that the FTC's Mail or Telephone Order Merchandise Rule ("Mail Order Rule") applies to online transactions. For specific guidance on complying with the Mail Order Rule online, ask the FTC for a copy of [Selling on the Internet: Prompt Delivery Rules](#), as well as [A Business Guide to the Federal Trade Commission's Mail or Telephone Order Merchandise Rule](#).



For specific guidance on complying with the Mail Order Rule online, ask the FTC for a copy of [Selling on the Internet: Prompt Delivery Rules](#), as well as [A Business Guide to the Federal Trade Commission's Mail or Telephone Order Merchandise Rule](#).

What do I need to know about consumer privacy online?

Advertisers should be aware of the privacy issues raised by Internet marketing. For more information about recent FTC Reports to Congress on consumer privacy on the Internet, visit the FTC's website (www.ftc.gov). Basically, the FTC strongly encourages companies to implement four fair information practices: giving consumers notice of a website's information practices; offering consumers choice as to how their personally identifying information is used; providing consumers with access to the information collected about them; and ensuring the security of the information collected. In addition, companies need to know about the Children's Online Privacy Protection Act and the rule that implements it. The law requires websites to obtain verifiable parental consent before collecting, using, or disclosing personal information from children, including their names, home addresses, email addresses, or hobbies. For more information, ask the FTC for [How to Comply with the Children's Online Privacy Protection Rule](#).

10. Pricing

Are there any standards governing the advertising of prices?

The same standards for truthfulness apply when companies make claims about price comparisons, "sale" prices, and the like. For more information, ask the FTC for the Guides Against Deceptive Pricing. Since many pricing issues involve local practices, you also may want to contact the Attorney General's office in the state(s) where you plan to advertise.

What responsibility does a company have to make sure that prices are accurate?

In many jurisdictions, companies are legally required to charge no more than the advertised or shelf price for a product, so good pricing practices are important for both customer satisfaction and a company's bottom line. For tips on accurate pricing practices in advertising and in retail stores, ask the FTC for Good Pricing Practices? SCAN DO.

For More Information

The FTC works for the consumer to prevent fraudulent, deceptive, and unfair business practices in the marketplace and to provide information to help consumers spot, stop, and avoid them. To file a complaint or to get free information on consumer issues, visit ftc.gov or call toll-free, 1-877-FTC-HELP (1-877-382-4357); TTY: 1-866-653-4261. The FTC enters consumer complaints into the Consumer Sentinel Network, a secure online database and investigative tool used by hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.



Business Practices Exam Questions

56. When a " _____ " offer is tied to the purchase of another product, the price of the purchased product should not be increased from its regular price.
- discounted
 - free
 - no interest
 - 0 money down
57. Which of the following must be included in a rebate advertisement?
- The before-rebate cost
 - The amount of the rebate
 - When consumers can expect to receive their rebate
 - All of the above
58. True or false? Internet advertisements are not subject to the same laws as other advertisements.
- True
 - False
59. Which of the following are "fair information" practices encouraged by the FTC?
- Offering consumers a choice as to how their personally identifying information is used
 - Providing consumers with access to the information collected about them
 - Ensuring the security of the information collected
 - All of the above
60. In many jurisdictions, companies are legally required to charge no more than the advertised or _____ price for a product, so good pricing practices are important for both customer satisfaction and a company's bottom line.
- base
 - lowest
 - shelf
 - mean

Part Four: Laws and Rules

This section of your course is designed to refresh your knowledge on the laws and rules that govern electrical contractors in Florida. These regulations can be found in Title XXXII Regulation of Professions and Occupations, Chapter 489 of the 2017 Florida Statutes. These statutes have been put in place by the Florida Legislature for the benefit of the health, safety, and welfare of the general public. After reading this section of your course, you will have reviewed the fees necessary for maintain an active or inactive license status, prohibited acts, penalties, and the enforcement of these regulations.

Fees for Maintaining a License

1. Fees

- The biennial renewal fee may not exceed \$400 for certificate holders and \$200 for registrants.
- The biennial renewal fee for certified alarm system contractors may not exceed \$450.
- The board may establish a fee for a temporary certificate as an alarm system contractor not to exceed \$75.
- The board may also establish by rule a delinquency fee not to exceed \$50.
- The fee to transfer a certificate or registration from one business organization to another may not exceed \$200.
- The fee for reactivation of an inactive license may not exceed \$50.
- The board shall establish fees that are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of electrical contractors and alarm system contractors.

2. Inactive Status

- A person who is registered or holds a valid certificate may go on inactive status during which time he or she shall not engage in contracting.
- A person on inactive status may retain the certificate or registration on an inactive basis on payment of a renewal fee during the inactive period not to exceed \$50 per renewal period.

Laws and Rules Exam Questions

- | | |
|---|---|
| <p>61. The biennial renewal fee may not exceed \$ _____ for certificate holders.</p> <ol style="list-style-type: none"> a. \$50 b. \$200 c. \$400 d. \$75 | <p>64. The fee for reactivation of an inactive license may not exceed \$ _____.</p> <ol style="list-style-type: none"> a. \$50 b. \$200 c. \$400 d. \$75 |
| <p>62. The biennial renewal fee may not exceed \$ _____ for registrants.</p> <ol style="list-style-type: none"> a. \$50 b. \$200 c. \$400 d. \$75 | <p>65. True or false? A contractor whose license is on inactive status may still engage in contracting on a referral basis.</p> <ol style="list-style-type: none"> a. True b. False |
| <p>63. A delinquency fee may not exceed \$ _____.</p> <ol style="list-style-type: none"> a. \$50 b. \$200 c. \$400 d. \$75 | |

Evidence of Workers' Compensation Coverage

1. Evidence of workers' compensation must be provided to the Electrical Contractor's Licensing Board prior to the issuance or renewal of a certificate or registration of the contractor.

- Except as provided in s. 489.515(3)(b), any person, business organization, or qualifying agent engaged in the business of contracting in this state and certified or registered under this part shall, as a condition precedent to the issuance or renewal of a certificate or registration of the contractor, provide to the Electrical Contractors' Licensing Board, as provided by board rule, evidence of workers' compensation coverage pursuant to chapter 440.



2. If a contractor is found to no longer hold workers' compensation coverage, the department will notify the contractor that they must provide certification of compliance and pay an administrative fine of \$500.

- In the event that the Division of Workers' Compensation of the Department of Financial Services receives notice of the cancellation of a policy of workers' compensation insurance insuring a person or entity governed by this section, the Division of Workers' Compensation shall certify and identify all persons or entities by certification or registration license number to the department after verification is made by the Division of Workers' Compensation that persons or entities governed by this section are no longer covered by workers' compensation insurance. Such certification and verification by the Division of Workers' Compensation may result from records furnished to the Division of Workers' Compensation by the persons or entities governed by this section or an investigation completed by the Division of Workers' Compensation. The department shall notify the persons or entities governed by this section who have been determined to be in noncompliance with chapter 440, and the persons or entities notified shall provide certification of compliance with chapter 440 to the department and pay an administrative fine in the amount of \$500.

3. Failing to maintain workers' compensation coverage is grounds for the board to revoke, suspend, or deny the issuance/renewal of a certificate or registration.

- The failure to maintain workers' compensation coverage as required by law shall be grounds for the board to revoke, suspend, or deny the issuance or renewal of a certificate or registration of the contractor under the provisions of s. 489.533.

Prohibitions and Penalties

1. SUBSECTION ONE: A person may not:

- Practice contracting unless the person is certified or registered;
- Use the name or title "electrical contractor" or "alarm system contractor" or words to that effect, or advertise himself or herself or a business organization as available to practice electrical or alarm system contracting, when the person is not then the holder of a valid certification or registration issued pursuant to this part;
- Present as his or her own the certificate or registration of another;
- Use or attempt to use a certificate or registration that has been suspended, revoked, or placed on inactive or delinquent status;
- Employ persons who are not certified or registered to practice contracting;
- Knowingly give false or forged evidence to the department, the board, or a member thereof;
- Operate a business organization engaged in contracting after 60 days following the termination of its only qualifying agent without designating another primary qualifying agent;
- Conceal information relative to violations of this part;

- i. Commence or perform work for which a building permit is required pursuant to part IV of chapter 553 without the building permit being in effect; or
 - j. Willfully or deliberately disregard or violate any municipal or county ordinance relating to uncertified or unregistered contractors.
2. Any unlicensed person who violates any of the provisions of SUBSECTION ONE listed above commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
 3. Any unlicensed person who commits a violation of any of the provisions of SUBSECTION ONE listed above after having been previously found guilty of such violation commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.
 4. Any unlicensed person who commits a violation of any of the provisions of SUBSECTION ONE listed above during the existence of a state of emergency declared by executive order of the Governor commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

Laws and Rules Exam Questions

66. Persons or entities determined to have cancelled their workers' compensation coverage shall pay an administrative fine in the amount of \$_____.
 - a. \$2000
 - b. \$1000
 - c. \$750
 - d. \$500
67. Which of the following actions can be taken by the board for failure to maintain workers' compensation?
 - a. Revocation of a certificate
 - b. Suspension of a certificate
 - c. Denial of renewal of a certificate
 - d. All of the above
68. According to SUBSECTION ONE, a person may not operate a business organization engaged in contracting after _____ days following the termination of its only qualifying agent without designating another primary qualifying agent.
 - a. 30
 - b. 60
 - c. 90
 - d. 120
69. Any unlicensed person who violates any of the provisions of SUBSECTION ONE commits a misdemeanor of the _____ degree.
 - a. third
 - b. second
 - c. first
 - d. utmost
70. Any unlicensed person who commits a violation of any of the provisions of SUBSECTION ONE after having been previously found guilty of such violation commits a felony of the _____ degree.
 - a. third
 - b. second
 - c. first
 - d. utmost

Enforcement of these Regulations

1. Each county or municipality may, at its option, designate one or more of its code enforcement officers, as defined in chapter 162, to enforce, as set out in this subsection, the provisions of SUBSECTION ONE (above) against persons who engage in activity for which county or municipal certification is required.
 - a. A code enforcement officer designated pursuant to this subsection may issue a citation for any violation

of SUBSECTION ONE (above) whenever, based upon personal investigation, the code enforcement officer has reasonable and probable grounds to believe that such a violation has occurred.

- b. A citation issued by a code enforcement officer shall be in a form prescribed by the local governing body of the county or municipality and shall state:
 - i. The time and date of issuance.
 - ii. The name and address of the person to whom the citation is issued.
 - iii. The time and date of the violation.
 - iv. A brief description of the violation and the facts constituting reasonable cause.
 - v. The name of the code enforcement officer.
 - vi. The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
 - vii. The applicable civil penalty if the person elects not to contest the citation.
- c. The local governing body of the county or municipality may enforce codes and ordinances against unlicensed contractors under the provisions of this section and may enact an ordinance establishing procedures for implementing this section, including a schedule of penalties to be assessed by the code enforcement officers. The maximum civil penalty which may be levied may not exceed \$2,000. Moneys collected pursuant to this section shall be retained locally as provided for by local ordinance and may be set aside in a specific fund to support future enforcement activities against unlicensed contractors.
- d. The act for which the citation is issued shall be ceased upon receipt of the citation; and the person charged with the violation shall elect either to correct the violation and pay the civil penalty in the manner indicated on the citation or, within 10 days of receipt of the citation, exclusive of weekends and legal holidays, request an administrative hearing before the enforcement or licensing board or designated special magistrate to appeal the issuance of the citation by the code enforcement officer.
 - i. Hearings shall be held before an enforcement or licensing board or designated special magistrate as established by s. 162.03(2), and such hearings shall be conducted pursuant to ss. 162.07 and 162.08.
 - ii. Failure of a violator to appeal the decision of the code enforcement officer within the time period set forth in this paragraph shall constitute a waiver of the violator's right to an administrative hearing. A waiver of the right to administrative hearing shall be deemed an admission of the violation and penalties may be imposed accordingly.
 - iii. If the person issued the citation, or his or her designated representative, shows that the citation is invalid or that the violation has been corrected prior to appearing before the enforcement or licensing board or designated special magistrate, the enforcement or licensing board or designated special magistrate shall dismiss the citation unless the violation is irreparable or irreversible.
 - iv. Each day a willful, knowing violation continues shall constitute a separate offense under the provisions of this subsection.
- e. A person cited for a violation pursuant to this subsection is deemed to be charged with a noncriminal infraction.
- f. If the enforcement or licensing board or designated special magistrate finds that a violation exists, the enforcement or licensing board or designated special magistrate may order the violator to pay a civil penalty of not less than the amount set forth on the citation but not more than \$2,500 per day for each violation. In determining the amount of the penalty, the enforcement or licensing board or designated special magistrate shall consider the following factors:



- i. The gravity of the violation.
 - ii. Any actions taken by the violator to correct the violation.
 - iii. Any previous violations committed by the violator.
- g. Upon written notification by the code enforcement officer that a violator had not contested the citation or paid the civil penalty within the timeframe allowed on the citation, or if a violation has not been corrected within the timeframe set forth on the notice of violation, the enforcement or licensing board or the designated special magistrate shall enter an order ordering the violator to pay the civil penalty set forth on the citation or notice of violation, and a hearing shall not be necessary for the issuance of such order.
- h. A certified copy of an order imposing a civil penalty against an uncertified contractor may be recorded in the public records and thereafter shall constitute a lien against any real or personal property owned by the violator. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including a levy against personal property; however, such order shall not be deemed to be a court judgment except for enforcement purposes. A civil penalty imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first. After 3 months from the filing of any such lien which remains unpaid, the enforcement or licensing board or designated special magistrate may authorize the local governing body's attorney to foreclose on the lien. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under s. 4, Art. X of the State Constitution.
- i. This subsection does not authorize or permit a code enforcement officer to perform any function or duty of a law enforcement officer other than a function or duty that is authorized in this subsection.
- j. An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement or licensing board or designated special magistrate to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement or licensing board or designated special magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed.
- k. All notices required by this subsection shall be provided to the alleged violator by certified mail, return receipt requested; by hand delivery by the sheriff or other law enforcement officer or code enforcement officer; by leaving the notice at the violator's usual place of residence with some person of his or her family above 15 years of age and informing such person of the contents of the notice; or by including a hearing date within the citation.
- l. For those counties which enact ordinances to implement this subsection and which have local construction licensing boards or local government code enforcement boards, the local construction licensing board or local government code enforcement board shall be responsible for the administration of such citation program and training of code enforcement officers. The local governing body of the county shall enter into interlocal agreements with any municipalities in the county so that such municipalities may by ordinance, resolution, policy, or administrative order, authorize individuals to enforce the provisions of this section. Such individuals shall be subject to the requirements of training as specified by the local construction licensing board.
- m. Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.
- n. Nothing contained in this section shall prohibit a county or municipality from enforcing its codes or ordinances by any other means.



- o. Nothing in this subsection shall be construed to authorize local jurisdictions to exercise disciplinary authority or procedures established in this subsection against an individual holding a proper valid certificate issued pursuant to this part.
2. Local building departments may collect outstanding fines against registered or certified contractors issued by the Electrical Contractors' Licensing Board and may retain 25 percent of the fines they are able to collect, provided that they transmit 75 percent of the fines they are able to collect to the department according to a procedure to be determined by the department.
 3. The local governing body of a county or municipality, or its local enforcement body, is authorized to enforce the provisions of this part as well as its local ordinances against registered contractors, as appropriate. The local jurisdiction enforcement body may conduct disciplinary proceedings against a registered contractor and may require restitution or impose a suspension or revocation of the local license or a fine not to exceed \$5,000, or a combination thereof, against the registered contractor, according to ordinances which a local jurisdiction may enact. In addition, the local jurisdiction may assess reasonable investigative and legal costs for the prosecution of the violation against the registered contractor, according to such ordinances as the local jurisdiction may enact.
 - a. In addition to any action the local jurisdiction enforcement body may take against the individual's local license, and any fine the local jurisdiction may impose, the local jurisdiction enforcement body shall issue a recommended penalty for board action. This recommended penalty may include a recommendation for no further action or a recommendation for suspension, revocation, or restriction of the registration or imposition of a fine to be levied by the board, or a combination thereof. The local jurisdiction enforcement body shall inform the disciplined registered contractor and the complainant of the local penalty imposed, the board penalty recommended, the rights to appeal, and the consequences should the registered contractor decide not to appeal. The local jurisdiction enforcement body shall, upon having reached adjudication or having accepted a plea of nolo contendere, immediately inform the board of its action and the recommended board penalty.
 - b. The department, the disciplined registered contractor, or the complainant may challenge the local jurisdiction enforcement body's recommended penalty for board action to the Electrical Contractors' Licensing Board. A challenge shall be filed within 60 days after the issuance of the recommended penalty to the board. If challenged, there is a presumptive finding of probable cause and the case may proceed without the need for a probable cause hearing.
 - c. Failure of the department, the disciplined registered contractor, or the complainant to challenge the local jurisdiction's recommended penalty within the time period set forth in this subsection shall constitute a waiver of the right to a hearing before the board. A waiver of the right to a hearing before the board shall be deemed an admission of the violation, and the penalty recommended shall become a final order according to procedures developed by board rule without further board action. The disciplined registered contractor may appeal this board action to the district court.
 - d. The department may investigate any complaint which is made with the department. However, if the department determines that the complaint against a registered contractor is for an action which a local jurisdiction enforcement body has investigated and reached adjudication or accepted a plea of nolo contendere, including a recommended penalty to the board, the department shall not initiate prosecution for that action, unless the secretary has initiated summary procedures pursuant to s. 455.225(8).
 - e. Nothing in this subsection shall be construed to allow local jurisdictions to exercise disciplinary authority over certified contractors.
 4. The right to create local boards in the future by any municipality or county is preserved.
 5. The department may issue a stop-work order for all unlicensed work on a project upon finding probable cause to believe that electrical or alarm system work which requires certification or registration is being performed without a current, valid certificate or registration. Stop-work orders may be enforced using the procedure and remedies set forth in s. 455.228.

Laws and Rules Exam Questions

71. Which of the following must be included on a citation issued by a code enforcement officer?
- The time and date of issuance
 - The time and date of the violation
 - A brief description of the violation and the facts constituting reasonable cause
 - All of the above
72. The maximum civil penalty which may be levied may not exceed \$_____.
- \$2,000
 - \$2,500
 - \$1,000
 - \$1,500
73. The person charged with the violation shall elect either to correct the violation and pay the civil penalty or, within _____ days of receipt of the citation, request an administrative hearing before the enforcement or licensing board or designated special magistrate to appeal the issuance of the citation.
- 5
 - 7
 - 10
 - 12
74. If the enforcement or licensing board or designated special magistrate finds that a violation exists, they may order the violator to pay a civil penalty of not less than the amount set forth on the citation but not more than \$_____ per day for each violation.
- \$2,000
 - \$2,500
 - \$1,000
 - \$1,500
75. In determining the amount of the penalty, the enforcement or licensing board or designated special magistrate shall consider which of the following factors?
- The gravity of the violation
 - Any actions taken by the violator to correct the violation
 - Any previous violations committed by the violator
 - All of the above
76. True or false? Each day a willful, knowing violation continues shall constitute a separate offense under the provisions of this subsection.
- True
 - False
77. Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer commits a misdemeanor of the _____ degree, punishable as provided in s. 775.082 or s. 775.083.
- third
 - second
 - first
 - utmost
78. Local building departments may collect outstanding fines against registered or certified contractors issued by the Electrical Contractors' Licensing Board and may retain _____ percent of the fines they are able to collect.
- 75%
 - 50%
 - 25%
 - 100%
79. The local jurisdiction enforcement body may conduct disciplinary proceedings against a registered contractor and may require restitution or impose a suspension or revocation of the local license or a fine not to exceed \$_____.
- \$2,000
 - \$2,500
 - \$3,000
 - \$5,000
80. The department may issue a _____ for all unlicensed work on a project upon finding probable cause to believe that electrical or alarm system work which requires certification or registration is being performed without a current, valid certificate or registration.
- cease and desist
 - stop-work order
 - federal citation
 - All of the above

ANSWER SHEET • FLORIDA SPECIALTY COURSE

First Name: _____ Last Name: _____ Date: _____

Address: _____ City: _____ State: _____ ZIP: _____

License #: _____ Phone: _____ Email: _____

**** See instructions on the inside cover page to submit your exams and pay for your course**

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