

RUDOLPH (RUDY) KRAUSE, CHAIRMAN, CBC048885
STEVE ROY HENSON, VICE-CHAIRMAN, ENG I 222A
GARY CENTONZE, BOARD MEMBER, CFC1425735
FRANK HERRADA, BOARD MEMBER, CAC1817003
DONALD W. HORTON, CRC057947
MARNIE WALTERSON, LAYPERSON
VENETIA FLOWERS, LAYPERSON
BRENT ROBINSON, LAYPERSON
CHARLES E. MILLER, FIRST ALTERNATE, CGC023830

MINUTES
MONROE COUNTY
CONTRACTORS EXAMINING BOARD
REGULAR MEETING
TUESDAY SEPTEMBER 13, 2022 9:30 A.M. – 4:30 P.M.
MARATHON GOVERNMENT CENTER

****NOTICE: CBAA MEETING IS SCHEDULED TO BE HEARD AT 9:30 A.M.
THE CONTRACTORS EXAMINING BOARD (CEB) WILL IMMEDIATELY FOLLOW****

Contractor Examiner Board Meeting - September 13, 2022

You are invited to a Zoom webinar.

When: Sep 13, 2022 09:30 AM Eastern Time (US and Canada)

Topic: Contractor Examiner Board Meeting - September 13, 2022

Please click the link below to join the webinar:

<https://mcbocc.zoom.us/j/86103096479>

Or iPhone one-tap:

US: +16465189805,86103096479# or +16699006833,86103096479#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 646 518 9805 or +1 669 900 6833

Webinar ID: 861 0309 6479

International numbers available: <https://mcbocc.zoom.us/j/kdjboWl5Go>

1. Call to Order / Roll Call

****10:07 a.m.****

****Attending role call: Chairman Rudy Krause, Steve Henson, Gary Centonze, Frank Herrada,
Venetia Flowers, Brent Robinson & Donald Horton****

Present: County Attorney Kelly Dugan

Board attorney Thomas Wright

Building Official Rick Griffin, Assistant Building Official Rey Ortiz and

Sr. Admin. Floodplain Karl Bursa

2. Excused Absence Approval
**** Marnie Walterson – medical and Steve Henson - medical ** Approved – no nays**
3. Agenda Changes
****None****
4. Approval of Agenda
****Approved by Donald Horton seconded Gary Centonze****
5. Approval of Minutes for July 12th, 2022 (must have participated in meeting to move or second)
****Approved by Gary Centonze Seconded Venetia Flowers****
6. Next scheduled meeting: November 15th, 2022
****Chairman Krause notified members this date may need to be changed if a special meeting is required.**
7. Approval of 2023 Contractors Examining Board schedule:
****Approved by Gary Centonze seconded by Donald Horton****
8. Swearing - in of Witnesses to Testify
****Attorney Thomas Wright - any members from the audience that may be present for hearing****
9. "Is there anyone from the public who would like to speak on an Agenda item?"
****passed by Chairman Krause****
10. Have any Board members been contacted outside the presence of this meeting regarding an agenda item?" If so, would you please disclose the nature of the contact?
****No****

New Business:

11. Application for Reinstatement/Renewal of Expired Certificate of Competency for renewal period October 31, 2021. Application fees paid; no open/active code cases:

Jesus Manuel Castillo Sr.
Conch Pool & Spa LLC
Registered General Contractor GC480A/ RG0051996

****Approved by Frank Herrada seconded Don Horton****

12. Notice to Appear – Continuance from CEB 7/12/2022

Case No: 22101582
Name: Petr Sulak
Company: Creo Construction LLC
MCC: 6-202 11a – Violation of County Ordinance
Service: 6/08/2022 in the field
Fine: Notice
Investigator: Lachelle Thompson
Previous Violations: None

****Gary Centonze did recuse himself from this case****

Petr Sulak was present and did not contest the violation.

Motion made by Frank Herrada to find in violation and seconded by Don Horton. Motion Passed.

Penalty Phase - Violation Administrative Costs of: \$ 555.95 paid within 30 days or lien.

No further action recommendation to DBPR.

Motion made by Frank Herrada and seconded by Venetia Flowers. Motion Passed.

****Board member Gary Centonze returned to the meeting.****

13. Lien request for non-payment of citation/ imposition of fines & costs

Case No: 22100170
Name: Richard W Coffin II
Company: n/a
MCC: 6-77 Certificate of Competency required: unlicensed contractor
Issued: 01/22/2022
Intent to Lien notice: 07/26/2022
Fine: \$ 500.00 Administrative Costs: \$ 254.20

****Motion made by Don Horton in Violation fine \$ 500.00 Admin Fees: \$ 254.20**

30 days to pay or lien. Seconded by Brent Robinson. No nays – Motion Passed**

INDUSTRY INPUT

Industry Input: We will now open the floor for any comments or questions from the construction industry or public. Please either use the raised hand feature on Zoom or make sure that you have filled out a green speaker card if you are here in person.

****After lunch break no members in the audience or on zoom for the Old Business section of Industry Input****

Jethon is there anyone with their hand raised on Zoom? **No**

Do we have any in person speakers signed up to speak? **No**

Old Business for Industry Input: Request by Mr. Bursa - move items to November 15th 2022 meeting.

Sr. Admin. Floodplain Program Karl Bursa was present and informed the board that FEMA was currently conducting their Community Assistance Visit for the next week. A request was made to place all items on hold until the visit is completed.

Chairman Krause expressed his opinion; he realizes FEMA is here but there is a time limit crunch on some of the pending questions. The Chairman is aware of the visit but felt they could move forward with the FEMA ongoing discussions to date.

Member Gary Centonze questioned Karl B. on the FEMA visit and what in particular did he feel they will be addressing. Karl B. explained the Community visit is an audit, it consists of them (FEMA) riding down around the Keys. They do a physical tour of all the unincorporated areas of Monroe County and reviewing how we are enforcing our Floodplain Management Regulations in the built environment. They will look for how we are doing things right and what we are doing wrong. They will then come back and provide us a report with information on how they (FEMA) feel we are enforcing our code.

Gary C. asked is there a list of items they are addressing? Or do we wait and see or are there individual items they address? Karl B. explained there is not a list of what they are looking for, once the visit is completed we will be provided with a list of the things they have found.

Gary C. questioned who receives the list? Karl B. said the list comes directly to him, he will then provide to Building Official Griffin. Gary C. asked will this be shared at the same time with the County Commissioners? The answer was it will be shared, not sure when. It depends on what the findings there are, we are allowed to easily address some deficiency.

Gary C. asked will this include some prior inconsistencies that Monroe County was being penalized for? Karl B. could not say. This is his first time going through one of these in person visits.

Additional conversation is available on the Monroe County Internet/MCTV/ recorded/ meeting 9-13-2022.

Chairman Krause asked BO Griffin if they could proceed with the clarifications, he has been waiting on. This would not conflict with the FEMA visit. The request for clarifications started back in July of 2021, not wanting to postpone once again until November meeting. If the questions cannot be answered or there is no code, they would like to know. After 14 months Chairman Krause

wanted to have this conversation at this time. He is looking for conclusions. BO Griffin explained FEMA is spread pretty thin at this time. Don H. asked Karl B. if he had met in person with FEMA Karl B. answered yes along with others. FEMA will do a recap with Karl B. prior to leaving the county.

Chairman Krause requested some document copies to be provide to the board members for review. NFIP Technical Bulletin 5/ CRS Coordinator's Manual Ed.2017/ Chapter 122 Floodplain Monroe County Code/ Community Rating System Eligible Communities April 1, 2022. Continued conversation on this subject is available on: Monroe County Internet/MCTV/ CEB 9-13-2022.

****Invite Lori Lehr Floodplain Administrator** for the next scheduled CEB Meeting to assist in some of the questions presented to Karl B. during the meeting.

Questions:

1. **Who qualifies for the 35% credit Flood insurance.**
 2. **Copy of the Community Assistance visit report**
 3. **Frangible slab/ structural engineered concrete slab v-zone structural options are not provided.**
 4. **FEMA provides minimum requirements we need to look into a balance for the community and county requirements.**
 5. **Pool location requirements and problems need to be addressed.**
-
1. Update from Building Sciences on the aluminum louver material clarification
Conversation was reintroduced by Chairman Krause
Karl B. FEMA considers aluminum louvers solid wall construction so you cannot use the aluminum louvers and the 299 sq ft enclosure walls. The aluminum louvers would have to be part of total enclosure walls (not v-zone) Chairman Krause asked who provided this information because he cannot find this information. Karl B. said he received the information directly from a FEMA representative.
Chairman Krause requested the name and number to be provided to the board.
Email sent after meeting to Karl B. requesting the information to provide to the board.
Requested twice by direction of Chairman Krause.
Information has not been provided at this time.
 2. Update to answer Chairman Krause: Possibility of accepting double lattice with 50% open space between columns, to provide privacy as a visual barrier.
Karl Bursa
 3. Review and approval of the Draft FEMA cost breakdown Forms provided at last meeting by BO Griffin - ****will provide information at the next meeting****

New Business for Industry Input:

1. HB735 – questions and concerns from contractors and public

****Chairman Krause began the Industry Input section** of the meeting by expressing to the public in the audience and those on zoom/webinar: CEB Board Members as well as the BOCC are not in agreement with the passing of HB735. He explained why he requested and invited contractors and members from the public to this meeting. The goal is to collect a list of questions and ideas that can be presented to DBPR. Please keep complaints to a minimum if possible.

Board member Frank Herrada expressed his view on the effort that has been made for many years by the CEB and others when it comes to the importance of hiring a licensed contractor. The passing of HB735 has caused confusion with not only the public, but actively licensed contractors. When trying to understand the requirements that will need to be met by the unlicensed businesses before a homeowner or licensed contractor can consider hiring this new non-licensed business. The homeowner will have no recourse when requiring assistance from the county when a project does not move forward as planned. The CEB Board will no longer be able to assist. The owner resources for assistance will be limited. Mr. Herrada is 100% against HB735.

Chairman Krause expressed to the public how HB735 has also affected county and state licensed contractors. They have lost employees who are going out and establishing a non-licensed business and offering their services. The effects of HB735 have touched everyone in the community and will be felt for many years to come by the licensed contractor, the county specialty licensed contractors and the homeowners. Poor workmanship and lack of accountability will certainly be another issue that a homeowner will face. Currently the county does have a lobbyist representing Monroe County as well as other counties who are also receiving complaints. This effects all counties in Florida not just Monroe. The Monroe County Attorneys office is working hard at getting HB735 overturned. One of the ideas being considered is that Monroe County is different than other counties, we live in an area of Critical State Concern, possibly separating Monroe County with certain HB735 requirements. Chairman Krause has an idea as a last resort. If someone does not have a license but the work requires a permit by the county. Chairman Krause asked BO Griffin for clarification on this scenario: If the permit is required and the state has removed the licensing requirements, but the county still requires a permit. Can the county still require the permit as this would allow the county to verify the applicant/contractor has liability, workers compensation insurance and a business tax. When an applicant/contractor represents themselves as a contractor, even if they are not required a license by the state, the minimum requirement for all contractors is the liability, workers comp. and business tax.

BO Griffin told Chairman Krause he is going to allow legal to answer this question, they are still working on this problem.

Chairman Krause is attempting to establish some sort of level playing field. It will never be perfect, but we may need to have the ability to enforce and verify the unlicensed/contractors have the same requirements as those contractors that are currently licensed by the county and state. Otherwise, this is a free for all, how will the county keep track of the 50% rule on new work, the regulations of no construction in specific areas of the county, like no fencing in areas of Big Pine, etc. Some sort of verification of documentation out in the field by county enforcement agencies may be required.

Donald Horton commented – the construction industry of Monroe County has worked way to hard; they work hard at doing everything the right way. He still cannot see how BO Griffin will be able to issue permits to

unlicensed people without verification of insurance and documentation. Will the state pony up and bring more people down to this area for verification of wc fraud? Thankful that our county attorney is working towards a resolution, thankful that our County Commissioners are standing firm and willing to work with legislature and educate the state on the fact that there is a huge mistake here. Maybe the mistake happened because enough people complained about the multiple registrations required in each city. Maybe there is a way to unify these licenses and grandfather in these companies that run a legitimate business to some sort of state certification. We need to stand firm and be vocal, rely on our elected and our attorney and let them know we are behind them and they are behind us. The construction industry in this county and communities is something we must fix.

Gary Centonze commented – The counties have just gotten pushed back 25 years. The rule was come to Monroe County on Friday afternoon and leave by sunup on Monday. Code Enforcement did a really good job they cross trained with the Sheriff Dept. which did an amazing job. Working in conjunction they were able to eliminate that problem. The unintended consequences of passing HB735 is when someone for the passed 30 years would contact the board because of financial loss or damage, we have been here to protect the public. My main concern is for the licensed contractors, we sat right here when Christine Hurley informed us that out of 67 counties, we were the only ones with the concerns of the passing of HB735. But now we see this changing, other counties are getting involved and concerned. Attorney Bob Shillinger was brilliant in coming up with the sunset law of allowing local certificate of competency licenses to remain active until 6/30/2023, it was buying us the time we needed. Unfortunately, the marine industry has been hit the hardest. They have been in the trade for so long and unfortunate some at this point are not able to even take the test. I have complete faith in this county between our elected officials an attorney, I think we will find a way through this. We need to continue to stick together and it will take a little bit of time. We are all in support and we stand in unison to get this corrected.

Frank Herrada – commented don't give up! We have a well establish Florida Building Code (FBC) and for ages we have been told the FBC intent is for the safety and welfare of the public. When i've been in my continuing education courses, many times the instructor always mentions; when we do our job no accidents happen.

Contractors are required to provide the minimum requirements of the FBC. If we allow these individuals to work without a license without inspections, how can we guarantee the safety of the public? Who benefits from this HB735? This is definitely a mistake the public does not benefit, the contractors even less. If someone could tell us who is the benefitting party, then we would be willing to listen. Reiterating Chairman Krause, employees are quitting and going out on their own doing these jobs.

Chairman Krause directed questioning to BO Griffin, if HB735 allows these individuals to work without licensing and permitting, how will the County require licensed contractors to apply for permits. The monitoring of interior remodels, 50% rule there is no way around this. A permit will still need to be pulled. Licensed contractors are going to question why are they required the permit?

BO Griffin commented – A permit still must be pulled we require that; the question is who is going to pull it? That's what we are looking into. Possibly the owner builder. Chairman Krause mention the owner builder affidavit is still required. If code enforcement pulled up on site, they may be able to verify what credentials are held by any hired help the owner may have on site. BO Griffin; like I said, legal is looking into it.

Chairman Krause asked that once BO Griffin gets some answers to please share with the board and the public. Response was – will do, by BO Griffin.

Lisa Tennyson – Monroe County legislative affairs director addressed the board via zoom.

HB735 was passed 2 years ago, when it was signed and passed into law, Monroe County along with other counties and the Association of Counties which we are a part of went to DBPR (Department of Business and Professional Regulations). They explained issues and concerns and at that time, however the state was not open to listening to what we had to say. They were firmly in the camp that this was protective of the little guy, they thought this would help the little guy. We made the argument then, that this was not what was going to happen. Local licensing programs like what we have here in the county is helpful and enabling the little guy. Unfortunately they were not open to that argument at that time. DBPR told us that we should change our local licensing and regulations. Staff and legal were not open to changing the way we do things. We understand that it offers a level playing ground for the contractors and protects consumers. We've been discussing this issue, we did so last year with the Association of Counties but again got no traction. However, what happens sometimes in the legislative process is, that they need some time to see the effects of a Bill. It is a possibility that they are now seeing some negative impacts of this legislation. There are thousands and thousands of contractors around the state that have expressed their concerns as you have today. Again, we are going up to the Fla. Association of Counties Conference this week and we will be as a group, getting behind making changes to HB735, getting a group of counties to agree to work on repealing 735. In the absence of a full repeal, we will be asking for modifications to the legislation. To grandfather in local licensing programs, such as we have. Extending the expiration date making all kinds of amendments that would facilitate all the various type of issues local trades people are running into.

The good news is maybe now the ground is softening a little bit as they are hearing from the contractors, who they believed they were helping. It maybe they may now be open to making some changes.

We are approaching this session with the hope that there may be room for some changes, so that is good news.

My request to you all, as you are thinking about and talking about the impact to you all as trades people and contractors is to put that down in letters. The most folks that have effect in Tallahassee today are local business people. If you could all write letters, group letters, sign onto a resolution, all these things would be very, very impactful as we work and talk to legislators to repeal or amend this Bill. So, I urge you they don't have to be sophisticated letters. Provide information how the local county licensing is helpful and protective for you. Those kinds of letters and comments are impactful.

Chairman Krause is concerned that once session starts there may be an overlap, even if the counties are successful in repealing HB735, come 6/30/2023 people will not have a license. This concern has led him to figure out a backup plan. This is to allow Monroe County to have a plan, until the Bill gets repealed or amended. His opinion is he cannot see this happening in time, therefore he wants to work on a plan now to fill in while we all wait for an outcome. Thank you again for coming and filling us in, greatly appreciated. No questions for Lisa T.

Many contractors and public speakers were present in person and on zoom/webinar. Each were allowed to express their suggestions and concerns on the impact to their business and community.

**Please visit the County Website/ Internet/ MCTV/ CEB 9-13-2022 - beginning at 11:30:33 a.m. to hear all of the public conversation.

List of public attendees: Armand Messina, Mark Jones, Russell Moore, Robert Allen

Letters received by Paul Wunderlich, Tom Domiano, Kerry Wingo

Multiple viewers on zoom including Rep.Mooney Office Nola Acker and

Continued:

Pinellas County Director of the licensing board Michelle Krivick.

Present was County Commissioner Michelle Coldiron expressed; The County Commissioners are very concerned about this, very sympathetic to the contractors and very concerned for the protection of our residences and the liability issues that you have all brought to our attention. Just to follow up on who should receive these letters.

They should go to the following and also please copy your County Commissioners:

Governor Ron DeSantis/ The Capitol/ 400 S. Monroe Street, Tallahassee, FL. 32399-001

Florida House Speaker-designate Paul Renner/ 322 The Capitol/ 402 S. Monroe Street, Tallahassee, FL. 32399

Representative Jim Mooney, District 120/ 1102 The Capitol 402 S. Monroe Street, Tallahassee, FL. 32399

Senator Ana Maria Rodriguez District 39/ 318 Senate Building/ 404 S. Monroe Street, Tallahassee, FL. 32399

Secretary Melanie Griffin/ Division of Business and Professional Regulations-DBPR 2601 N Blair Stone Road, Tallahassee, FL. 32399

Also, our Representative Mooney is going to be speaking with Rep. Hardy and Rep. Lombardi who are the two co-sponsors of this Bill, to have them understand what the ramifications of HB735 has caused not only to Monroe county but other counties as well. As Lisa Tennyson has said, there are some of us County Commissioners who will be at the Florida Association of Counties Meeting this coming week and we will be asking for support of all 67 Counties to help us squash this Bill, or at least amend the language so that it is workable for all of us. We completely sympathize. We support you all and we are here to be your partners.

[Chairman to read into record]

If there is nothing further from the public, then this closes out the industry input section of this meeting and we will continue with the rest of the CEB Agenda.

14. New Business continued:

1. New member application review for CBAA alternate position:

Ms. Sarah M. Girard
Architect AR100676

****Sarah Girard was present, owner of Compass Architecture & Design. After conversation with board members a unanimous vote to move approval to BOCC as a new Architect position for the CBAA.**

Motion was made by Brent Robinson and seconded by Donald Horton**

2. Renewal of CEB board member Brent Robinson for an additional three-year term to the Contractors Examining Board beginning on November 20, 2022 thru 2025.

Renewal of CBAA Board member Brent Robinson for an additional three-year term as Architect on the CBAA board beginning on October 15, 2022 thru 2025.

****Motion made by Gary Centonze to make the recommendation to the BOCC for an approved re-instatement as CEB member and CBAA Architect**

Seconded by Don Horton unanimous vote no nays**

3. ABO Rey Ortiz discussion on Brazilian Plywood

**** Provided information and explained that the county is always available to verify the product meets the current standards.****

15. Staff Reports

1. Rick Griffin, Building Official/CEB Secretary/ Rey Ortiz, Assistant Building Official

****nothing to report****

2. Thomas Wright, Contractors Examining Board Attorney

****nothing to report****

3. Kelly Dugan/ Assistant County Attorney

****nothing to report****

4. LaChelle Thompson, Unlicensed Contractor Code Investigator

****provided dept. report/ new inspector Douglas Peel was introduced will be working Ocean Reef and Key Largo areas****

Lunch Break: 1:15 p.m.- 2:31 p.m.

Meeting adjourned: 4: 51 p.m.

Maria L. Partington CEB liaison / Senior Licensing Coordinator
Assistant liaison Jamie Gross / Licensing Coordinator
Monroe County Contractors Examining Board

Meeting Location - Open to the public:
Marathon Government Center
BOCC Room Second Floor
2798 Overseas Highway
Marathon, Fl. 33050

PURSUANT TO FLORIDA STATUTE SECTION [286.0105 FS](#), be advised that, if a person decides to appeal the decision made by the Contractors' Examining Board (CEB) with respect to any matter considered at today's hearing, that person will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30 a.m. - 5:00 p.m., no later than five (5) calendar days prior to the scheduled meeting; if you are hearing or voice impaired, call "711".

NOTICE: It shall be the responsibility of *each* Respondent or other person addressing the Board to bring an interpreter if the party is **NOT** able to understand or speak the English language.