

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 JULY 12TH, 2022 9:30 A.M.
MARATHON GOVERNMENT CENTER

Contractor Examiner Board Meeting - July 12, 2022

You are invited to a Zoom webinar.

When: Jul 12, 2022 09:30 AM Eastern Time (US and Canada)

Topic: Contractor Examiner Board Meeting - July 12, 2022

Please click the link below to join the webinar:

<https://mcbocc.zoom.us/j/85496259838>

Or iPhone one-tap :

US: +16465189805,,85496259838# or +16699006833,,85496259838#

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: 854 9625 9838

International numbers available: <https://mcbocc.zoom.us/j/85496259838>

1. Call to Order / Roll Call

****12:23 pm.****

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

Present: County Attorney Kelly Dugan

Board Attorney Thomas Wright

Building Official Rick Griffin, County Attorney Bob Shillinger, Sr Admin. Floodplain Karl Bursa

2. Excused Absence Approval - **NONE**
3. Agenda Changes
****New Business item #10. 22101582 Petr Sulak Continuance approved by BO moved to September 13, 2022****
4. Approval of Agenda - ****Approved by Gary Centonze seconded Frank Herrada****
5. Approval of Minutes for May 10th, 2022 (must have participated in meeting to move or second) - ****Approved by Donald Horton seconded Steve Henson****
6. Next scheduled meeting: ****September 13, 2022****
7. Swearing - in of Witnesses to Testify - ****Attorney Thomas Wright 12:27p.m.****
8. "Is there anyone from the public who would like to speak on an Agenda item?" ****NO****
9. 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:

10. Notice to Appear

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

****Continuance approved by BO Griffin for September 13, 2022/ read into record****

11. Construction Trades Application Review for Verification of Construction Experience and Approvals:
 1. Gonzalez, Juan Carlos/ Reciprocity from Broward/ Mechanical Contractor
****Approved by Steve Henson****
 2. Vaccaro, Luigi III/ New Application/ Class B - A/C Contractor
****Approved by Brent Robinson****

3. Pelletier, Henry C/ New Application/ Class B – A/C Contractor
****Approved by Gary Centonze****

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

Case No: 22100209

Name: Juan Manuel Rodriguez Leon

Company: n/a

MCC: 6-77 Certificate of Competency required: unlicensed contractor

Issued: 01/25/2022

Intent to Lien notice: 5/23/2022

Fine: \$ 500.00 Administrative Costs: \$ 279.15

****Approved for lien by Gary Centonze seconded by Steve Henson
\$500.00 fine & 279.15 admin.fee 30 days to pay or lien****

Case No: 22100351

Name: Leonardo Jesus Toscano

Company: n/a

MCC: 6-77 Certificate of Competency required: unlicensed contractor

MCC: 6-234(a) Advertising as contractor

Issued: 02/26/2022

Intent to Lien notice: 5/23/2022

Fine: \$ 1,000.00 Administrative Costs: \$ 235.55

****Approved for lien by Brent Robinson seconded by Frank Herrada
\$1,000.00 fine & 235.55 admin.fee 30 days to pay or lien****

Case No: 22300209

Name: Alejandro A Rosello

Company: Diamond Boat Lifts & Docks LLC

MCC: 6-77 Certificate of Competency required: unlicensed contractor

Issued: 02/04/2022

Intent to Lien notice: 5/23/2022

Fine: \$ 500.00 Administrative Costs: \$ 245.21

****Approved for lien by Brent Robinson seconded by Marnie Walterson
\$500.00 fine & 245.21 admin.fee 30 days to pay or lien****

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.

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

Do we have any in person speakers signed up to speak? ****Yes****

****Old Business – Flood Plain – Gay Marie Smith (not present when item was presented, delay in start time of CEB- Industry Input Section)**

****New Business # 1. Discussion on HB735 – Mr. Armand Messina/ Tom Domiano/Ricky Smith & Robert Cullin****

Old Business for Industry Input: ****RED moved to September 13, 2022 final discussion****

1. Memorandum to be provided by BO Griffin
Clarification on Door & Window requirements
****Provided by the BO / Single Unit - 30% renovation costs****
2. Update on requested additional information of the original FEMA Agreement
BO Griffin & Bursa
Garage doors and a 299 sq ft enclosure, one or the other not both?
****One or the other Not both (some restrictions may apply to parallel walls) ****
Aluminum louver panels AE zones only, 50% open.
****Wood, plastic or vinyl allowed as perimeter buffer. Mr. Bursa still awaiting detailed clarification from Building Sciences on the aluminum louver. ****
Continued discussion on ideas and relief that can be provided to property owners.
****Steve Henson feels the intent of the regulations did not intend to leave out specific material. We should consider clarifying the material listing provided
Chairman Krause requested the possibility of accepting double lattice between columns at 50% open space, to provide privacy. Bursa will look into the request as a visual barrier. ****
3. User Guide Technical Bulletin was added to the website
****BO Griffin - confirmed it has been added to website****
4. Ordinance interpretation to be reviewed in lieu of FEMA SISD Form
Owner/Contractor Affidavit - Cost of Job detailed list.
****BO Griffin – provided draft sample forms of FEMA cost breakdown, requesting review so they can move forward with approvals from legal and BOCC. ****

5. Cost FEMA cost breakdown and built-in appliance definition.
****BO Griffin – Free standing and built-in definition provided. ****
6. Substantial Improvement Application Packet
BO Griffin to present his determination: ****previously discussed above****
 - a. Storm damage vs. Structural damage when assessing substantial improvement calculations.
****discussion no decision****
 - b. Definition of Emergency Demolition
****Under Chapter 122 Health Safety and Sanitary excludes costs of emergency damage cleanup****
 - c. Clarification – Should elevators be included on the application packet list
****discussed above****
 - d. Why does the packet include a request of the construction contract
****discussed above****
 - e. Excessive breakdown requested on the form/ BO and Karl Bursa to present alternatives
****discussed above****
7. Non-Substantial cost breakdown Form
Rey/Maria ****Ortiz not present at meeting****

Donald Horton requested review: **HB447 – Open Expired Permits - 01303444**

If not life safety or safety hazard may be closed after 6 years. Mr. Horton requested clarification on a specific permit for a land clearing issued by the Planning & Bio Dept./ Interpretation of HB447 requested for the definition of “Building Permit.” Building Official will forward to Bio for clarification on procedures for closing of Bio Permit.**

Donald Horton also asked clarification current requirements for a fence permit.

Ex. 6ft high wood picket fence must meet high velocity hurricane zone provisions in the Fla Bldg. Code.?

BO Griffin – No, they must meet the wind load pressures of 180mph and provide sealed drawing by architect or engineer.

New Business for Industry Input:

1. Discussion on HB735 – Information on the progress of the implementation of HB735
Fence Contractor Specialty/Landscaping Specialty
****Attorney Kelly Dugan provided update of an earlier meeting with staff and Representative Mooney possibly bringing this issue back up to the legislature in the upcoming session.**
Recommendation by staff to BOCC to include:
Area of Critical State Concern to exempt Monroe County of HB735
other possibilities to consider might be - voluntary licensing/ temporary extension of county license and possibly allowing County Licensing but limiting City & Municipality fees. All options are under discussion.
Chairman Krause clarified this recommendation would include all effected County Certificates

Continued:

of Competency.

Attorney Shillinger was present and spoke about the importance of licensure in a community, the protection received by the property owner to make sure work is done properly and inspected.

Chairman Krause read a memo from Rep. Perry who also approved HB735 “ If you are not required to have a license by the State, the local government cannot require a licensee to pull a permit.”

Attorney Shillinger clarified that much of what we do and why in Monroe County is governed by the Endangered Species Act. State directive and Federal Law is involved, we will be caught in the middle.

Chairman Krause provided information on the stand Miami-Dade has taken on the repeal of preemption licenses and occupations. Most counties seem to be fighting this Bill.

Gary Centonze included his thoughts and encouragement to Attorney Shillinger on his quick response to this situation. “The County and CEB Board have worked so hard all these years to ensure proper licensing to protect the homeowner. So much work has been done to protect and educate the public, it would be a shame to go backwards at this time.”

Moving forward the legislature will meet again this fall, session starts in March 2023.

Rep. Mooney will be taking a lead on this issue which will certainly assist with the Counties Legislative Agenda.

Donald Horton commended Attorney Shilling for the work being done by everyone. “I don’t believe anyone realized how big of a can of worms they opened up” the intent to help the little guy was there, but did not take into account how many people are actually licensed and insured and run a business the right way.”

Steve Henson questioned how will we get passed our current extension on the affected certificates of competency due to expire 6/30/2023?

Attorney Shillinger commented: It will all depend on how the legislation is written. The goal would be to solve the problem before the licenses come to an end. The recommendation at this time is for licensees to have a plan B don’t sit back and wait; this is the time to move forward, possibly working towards their state license with DBPR.

Public Speakers:

Robert Cullin – My confidence is low on HB735 being repealed. Licensed in Monroe/ Miami-Dade and Broward. Appealing to the board for assistance with the DBPR State requirements.

Requesting assistance from the County to aid others in the same situation as himself with the difficulty they are facing when approaching DBPR with their county credentials for licensure.

Rick Smith – present but declined additional comments at this time.

Armand Messina – a DBPR State and County licensed contractor was present and wanted to express the difficulty in attaining his license with the State -DBPR. His concern is that 90% of the specialty contractors holding a county license may not even meet the state requirements for testing. He does understand a part of the intent of HB735 was to limit the excessive registration requirements by each city and municipality, but not taking into account those

Continued:

currently licensed contractors and the whole that was created. Now being faced with attaining a state license, but not meeting the state qualifications, which require field experience under a state licensed contractor. Per FS 489.105 – definition of contractor needs to be re-evaluated after the passing of HB735. He was in conversation with BOAF and glad to see the support for specialty contractors in this predicament, after the passing of HB735. They will soon be meeting with several legislators and things may soon come to a head. Over 5,000 companies and 54 trades have been affected in the State of Florida. “This is just wrong.” His personal opinion: a repeal is the only solution.

Attorney Shillinger once again requested the assistance from the business community to get together and voice opinions. A resolution from the Contractors Association will carry a lot of weight. Contact the Governor, Rep. Mooney, Speaker of the House, and Senate President. Tom Domiano – Present and requested his statement to be read into record. Chairman Krause understands the frustration and implications specialty contractors are facing. He reiterated the importance of all contractors getting involved and sending letters to our heads of office. The CEB Board completely agrees with all County Certificate of Competency license holders “This is just wrong.”

No raised hands on zoom at this time.

Attorney Wright clarified to the board the County would like for the CEB Board to make a motion to recommend the position of the CEB Board. It supports any efforts by the County to exempt Monroe County from the impact of HB735. Also, it is the position of this board that it opposes the continuation of HB735.

Attorney Shillinger clarified to the board the intent is to move forward with the request to either repeal or a carve out or attempt to smooth out some of the edges like the contractors are facing when attempting to get credit for the county license and time served in good standing.

Steve Henson made a motion to recommend that we proceed as recommended by both County Attorney Bob Shilling and Board Attorney Thomas Wright to include:

Preferences eliminated, plan B carve it out based on the county position of area of critical concern which presents a lot of complications and thirdly get DBPR state licensing to recognize the experience level of previously county licensed contractors to allow them to apply for testing to an equivalent license at State level.

Donald Horton agreed and seconded

Mr. Horton mentioned we should also consider the implications to licensed contractors, whether General, Building or Residential and their insurance responsibilities. The implications of hiring these unlicensed sub-contractors and the position an insurance company may take on the liability and workers compensation requirements, will the licensed contractor be required to absorb the responsibility of coverage. (Did not request to amend the motion).

Roll Call: all member voted Yes

[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.

**** CEB Industry Input Section Completed and Closed****

****A VIDEO RECORDING IS AVAILABLE: Monroe County Internet/ MCTVonDemand/CEB 7/12/22****

Lunch Break: 1:30 p.m.

Reconvened at 2:35 p.m.

13. Old Business:

Investigator Lachelle Thompson to provide information on the possibility of the State Workers Compensation Fraud Dept. visiting the area.

****Contacted the state and is awaiting further conversation with a state supervisor.****

14. Staff Reports

1. Rick Griffin, Building Official/CEB Secretary/ Rey Ortiz, Assistant Building Official
****Attempted to contact DBPR 3 times to extend an invitation to visit and comment on HB735, not been successful.
New Unlicensed Contractor Code Investigator has been hired for the Key Largo area, still under final approval.**
New Building Inspector has been hired for the Stock Island Permitting Office
Oracle Online training is continuing and moving forward****
2. Thomas Wright, Contractors Examining Board Attorney
****No report****
3. Kelly Dugan/ Assistant County Attorney
****No report – will continue to work with ABO Ortiz and staff on HB735****
4. LaChelle Thompson, Unlicensed Contractor Code Investigator
****Staff Report provided, no additional comments****

Meeting adjourned: 4:19 p.m.

**Assistant liaison Jamie Gross / Licensing Coordinator
Maria L. Partington CEB liaison / Senior 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.