

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
MIA SANTOS, LAYPERSON
VENETIA FLOWERS, LAYPERSON
BRENT ROBINSON, LAYPERSON
CHARLES E. MILLER, FIRST ALTERNATE, CGC023830

MINUTES
MONROE COUNTY
CONTRACTORS EXAMINING BOARD
REGULAR MEETING
TUESDAY JANUARY 16, 2024 9:30 A.M. – 4:30 P.M.
MARATHON GOVERNMENT CENTER

Contractor Examiner Board Meeting Webinar Information

Topic: Contractor Examiner Board Meeting – **January 16, 2024**

Participation via Telephone, Computer, or Mobile App.

Webinar starts at 9:00 a.m. Meeting starts at 9:30 a.m.

Please click the link below to join the webinar:

<https://mcbocc.zoom.us/j/86480673485>

Or iPhone one-tap :

US: +16465189805,,86480673485# or +16699006833,,86480673485#

Or Telephone:

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

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Webinar ID: 864 8067 3485

International numbers available: <https://mcbocc.zoom.us/j/86480673485>

1. Call to Order / Roll Call – 9:33 a.m.
****Chairman Rudy Krause, Seve Henson, Frank Herrada, Venetia Flowers, Don Horton and Mia Santos****
2. Excused Absence Approval – Brent Robinson (previous engagement) Gary Centonze (appointment)
****Motion for approval of absence by Don Horton seconded Frank Herrada no nays****
3. Agenda Changes -
Add-On:
****Page 2. # 12c. Aguiar, Felix III/ Plumbing Contractor/ PC481-RF11067795**
Page 3. # 15. DeSantis, Robert Jr./ Fence Erector application for Certificate of Competency**

Continued:

Removed from Agenda

****Page 3 13. # 5 Baez- Morgado, Francisco**

Paid prior to meeting 1/11/2024 \$ 500.00

Page 3 13. #3 Silva- Sergio

Paid prior to meeting 1/16/2024 \$ 1,000.00

****Motion to approve agenda changes made by Frank Herrad seconded by Don Horton no nays****

4. Approval of Agenda –

****Approval by Frank Herrada seconded Don Horton - no nays****

5. Approval of Minutes for November 7, 2023 (must have participated in meeting to move or second)

****Approved by Steve Henson seconded by Frank Herrada no nays****

6. Next scheduled meeting: March 12, 2024

7. Swearing - in of Witnesses to Testify – **by Board Attorney Thomas Wright**

8. “Is there anyone from the public who would like to speak on an Agenda item?”

****records show 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?

****records show no****

Old Business:

10. CBAA – Construction Board of Adjustment & Appeals – Vacant Engineer Positions

Final Interview

a. Thomas Walker

b. William Campbell

****Both applicants were present. Don Horton questioned Mr. Walker on his permanent place of residence. Mr. Walker provided information.**

Chairman Krause commented to board members the positions to be filled would be to fill the Engineering position and the Engineering alternate position.

****Motion made by Don Horton recommendation to the BOCC to appoint William Campbell to be nominated as CBAA Engineer and the approval of William Campbell as Engineer Alternate position. Seconded by Frank Herrada open for discussion****

Chairman Krause was impressed with both applicants. After review of the resumes and experience, did feel Mr. Campbell may have a bit more experience in reference to the type of cases heard by the CBAA.

Continued:

Both applicants are considered to be assets to the positions.

Vote: All members voted yes, no nays.

Recommendation to be forwarded to BOCC for approval of Mr. William Campbell to position of CBAA Engineer and Mr. Thomas Walker as alternate to the CBAA Engineer position.

11. CEB/CBAA Board Member Chairman Rudy Krause
BOCC approved the recommendation from the Contractors Examining Board to renew board member to an additional 3-year appointment to expire January 2027
**** Vice-chair Steve Henson congratulated Chairman Krause on his re-appointment****

New Business:

12. Renewal / reinstatement request of expired Certificate of Competency 2-year renewal period expired on October 31, 2023.
 - a. Jack Glenn Martin/ General Contractor GC476A – RG291104019
**** Mr. Martin was present and apologized for the oversight and not renewing in a timely manner.**
Motion by Frank Herrada approval to re-instatement seconded by Steve Henson - no nays.
 - b. Mark James MacLaughlin/ Pool Contractor SPC1543 – RP252555600
**** Mr. MacLaughlin was available on zoom. Sworn in by Thomas Wright Received notice but was it was an oversight on the timing.**
Motion by Frank Herrada approval to re-instate seconded by Mia Santos - no nays.
 - c. Ad-On Item
Felix Aguiar III – Plumbing Contractor- PC481-RF11067795
****Mr. Aguiar was present. Received notice and overlooked the renewal date.**
Motion by Don Horton approval to re-instate seconded by Steve Henson -no nays.
13. Lien request for non-payment of citation, imposition of fines & costs
 1. Case No: 23300083
Name: Luis J Garcia
MCC: 6-77 Certificate of Competency required: unlicensed contractor
MCC: 6-202(11)a – Work without a permit
Issued: August 09, 2023
Intent to lien notice mailed: December 12, 2023
Fine: \$ 1,000.00 Administrative costs: \$ 129.05

Continued:

Investigator Peel provided some background on the case as requested by Don Horton. Property owner hired the individual; it was not a business was the answer to Venetia Flowers question. Attorney Wright asked if the homeowner was cited for aiding and abetting. Stop work order was issued approved by BO Griffin. Don Horton asked BO Griffin if an after the fact permit was issued, if he had any information on case. BO Griffin replied, not at this time. He has not looked into the permit. They have backed off on aiding and abetting as confirmed with legal, as far as citing a homeowner, which they were doing. They go under the unlicensed contractor first. Cases are referred to Code Compliance office they go after the homeowner.

Motion by Steve Henson - pay within 30 days or lien. Fine \$1,000.00 and Admin costs: \$ 129.05 second by Frank Herrada - no nays.

Frank Herrada did ask since the initial violation date was in August of last year, if any re-inspections are done to the job sites. Investigator Peel re-reviewed his notes and said it was sent to code compliance.

2. Case No: 23300084

Name: Adolfo Delgado-Ledesma

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

Issued: August 14, 2023

Intent to lien notice mailed: December 12, 2023

Fine: \$ 500.00 Administrative costs: \$ 146.42

Motion by Steve Henson - pay within 30 days or lien. Fine \$ 500.00 and Admin costs: \$ 146.42 second by Don Horton - no nays.

3. Case No: 23100057

Name: Sergio Silva

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

MCC: 6-234 (a) - Advertising

Issued: May 08, 2023

Intent to lien notice mailed: December 12, 2023

Fine: \$ 1,000.00 Administrative costs: \$ 249.55

**** Paid 1/16/24 prior to meeting \$ 1,000.00 case pending closure****

4. Case No: 23100058

Name: Gasper P. Juarez-Francisco

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

Issued: May 08, 2023

Intent to lien notice mailed: December 12, 2023

Continued:

Fine: \$ 500.00 Administrative costs: \$ 249.55

Motion by Steve Henson pay within 30 days or lien. Fine \$ 500.00 and Admin costs: \$ 249.55 second by Don Horton - no nays.

5. Case No: 23100069

Name: Francisco A. Baez- Morgado

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

Issued: June 15, 2023

Intent to lien notice mailed: December 12, 2023

Fine: \$ 500.00 Administrative costs: \$ 234.60

****Paid 1/11/2024 prior to meeting \$ 500.00 case pending closure****

14. Construction trades application previously approved by CEB prior to HB735. Requesting an update from the original approval date, to re-establish testing process for licensure.

1. David D. McCallister/ CEB approved on May 11, 2021 / Painting & Decorating specialty

****Chairman Krause re-approved applicant to move forward with testing and licensure second by Venetia Flowers to approve the decision – no nays.**

15. Ad-on

Applicant Robert DeSantos Jr. requesting approval for a Fence Erector COC license.

Applicant currently hold an Aluminum Specialty license with the County in active status.

No additional testing if approved.

Chairman Krause presented some information on the current status of the contractor in reference to issued permits with the aluminum license for fencing. Permits were issued by the County. After review Chairman Krause has the opinion Mr. DeSantos needs to hold a Fence Erector license to offer the services that do not qualify him under his current aluminum license. Electrical sub will be required for the connection of electric gate to existing service on site.

Approved by Steve Henson for Fence Erector certificate.

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? **Answered no.**

Do we have any in person speakers signed up to speak? **Answered no.**

Old Business for Industry Input: **Opened 10:11 a.m.**

1. Awaiting copy of the approval form from the State, in progress:
FEMA substantial damage assessment form, forwarded to Fl. Emergency Management for approval.
Troy Winterfield/Floodplain
**** Believes it has been approved. The two requested changes were made on the form.
Chairman Krause would like to implement the form, BO Griffin requested to allow them to contact FEMA and check on the hold up.**
2. Monroe County Online Permitting System
Ed Koconis to provide updates: **available on zoom for this meeting**
 - a. Continued conversation on the new Contractor/Sub Contractor authorization Form:
Why is the form required every time, even if applicant is already authorized agent.
Why would the contractor/qualifier be required to provide a signed form, when applying as the permit applicant.
****After internal discussions they have decided the form will continue to be required or as an alternative a contractor has the ability to view his permit activity from his Home page online under Applications. (Instructions available on MCTV 1/16/24 10:18:20 a.m.)**
Issues discussed:
 1. Applicant is contractor/qualifier applying for a permit should not be required any additional signed and notarized form. ****Ed K. with BO Griffins approval believes he can work with the csr's to prevent the requirements of the form.**
 2. Contractor's Agent Form possibly being updated on a yearly basis. *** Ed K. will look into this, to see if this is possible.**
 3. Owner applying for a permit, requirements for verification of any sub-contractors listed to the owner builder.
 - b. Email notification of inspection results to all contacts listed on permit
Venetia Flowers questioned the notification being provided, only says past or failed no other information provided. ABO Ortiz did request to be contacted if the reason for the failed inspection code is not listed. This is a requirement of Florida Statue.
 - c. Email notification of permit fees limited to permit applicant
Previously discussed, should be corrected.

Continued:

- d. Permits placed on Hold – customization of the drop-down display message (Don Horton)
Ed K. This has been corrected - also added to the frequently asked questions page on the building website. Screen shots on how to locate within the permit.
Under plans review screen of the permit/ examples provided MCTV 11:05:50 a.m.
- e. Notification under inspection stating documents required/ the required documents are not mentioned under the notification
Ed K. also provided examples and location within permit.
- f. CSR request for contractor on permit/ what disciplines are required for the permit, not listed.
Ed K. this has been remedied if not please contact Ed or Crystal Sebben directly.
- g. Inspections – time field is available as a choice. If not available item should be grayed out or removed
Ed K. they are aware of the issue, but not that easy to gray out and fix. No time frame for correction update.
- h. Can permit contact section auto populate the contractor(s)/ emails listed on the contractor section of the permit.
Ed K. currently no way, but they are aware and working on update.
Quarterly updates are being done and items are added to the list. Some items are prioritized.
Customized items do take additional time and additional fees.

Frank Herrada inquired about information he received that private providers are now allowed to do virtual inspections, per state approval.

ABO Ortiz – answered yes, private providers may do virtual inspections.

Frank Herrada- Has the County considered offering this same service to the public? This would help with after hour inspections, which currently are not possible or available in the County.

ABO Ortiz & BO Griffin have discussed this option but feel they do not have the bandwidth for this service. A protocol and a standard have already been set with DBPR or ICC. They are working on the future implementation of this service, not at this time. The authority having jurisdiction has the right to work out the process, which will be required for both private providers and the dept.

Frank Herrada – this would assist the Oracle system which offers after hours service but is not available. Times are changing and yes, a process is required, we get it. County numbers have to be down, you keep hiring people and your numbers are down, the public is choosing private providers. We need to look into accommodating contractors, possibly an inspector in the office then we can offer virtual inspections. Hopefully we can get there one day.

Don Horton – Thanked Frank for bringing this information to the board.

Venetia Flowers – Agreed these types of inspections can be done with proper protocol in place. A company cam – assist internal operations of a business. It can be done and the County should look into this, it would provide a great service.

Chairman Krause – Also, hopes the County will look into this service.

Chairman Krause reiterated a comment made by Frank Herrada, the delay in information or implementation of final decisions, always being pushed back till next meeting 2 months away.

There may be a possibility of going back to monthly meetings, so we can all see real time

Continued:

**progress being made on the items we continue to push to the next meeting.
Chairman Krause would also like to see on the agenda the addition of following:
Individuals name along with date the item is presented to the board, until resolved.**

New questions from board members:

- i. Inspection onsite document requirements – the system is not user friendly, does not provide the list of approved attachments that need to be printed and placed on site for inspections.
****Frank Herrada asked if the County has provided inspectors with laptops in the field.
Answer was no, from BO Griffin. It is a budget concern at this time.
Mia Santos – was the member that requested this question be placed on the agenda. It is very to search the online permit for the final approved set of plans. Especially if there are multiple cycles. You must use dates and even that has some discrepancies for the final approved set.
Frank Herrada – had a possible solution that he has witnessed in other counties. The first set is approved in red colored stamps. Once the final plans are approved, the green stamp is added. It helps inspectors on site, and contractor when printing the file copy set.**
- j. Permit card – lack of information available on the card/ scope of work, permit conditions etc. requires both the inspectors and the contractors to log into permit for information. Public cannot view the permit scope of work in the field.
****Mia Santos – brought questions to board; Permit card in the previous system provided the conditions listed that were approved by each dept.
ABO Ortiz mentioned previously there was an issue with the amount of paper produced, he did want to clarify if the return of the information was being requested to be once again listed as part of the permit card. Board members requested to move forward with the possibility of the conditions of a permit from each dept. be in a printable format included with the permit card.**

Previously asked questions, requesting clarification:

- k. Contact section of the permit. Once a contractor is added to the contractor page of the application, why can the system not auto populate the contact section of the permit?
****Previously discussed****
- l. Re-review timelines as it relates to failed plans review. Is there a possibility to lessen the review time if there are only one or two simple comments generated by plan review or is the system default always automatically 2 weeks.
****Ed Koconis – csr's would not be able to understand "simple comment" within a permit application. Previously they were able to shorten the review times on a house to 8 days. 5 days on first cycle. Remodel and additions have 12 days and there is no way to shorten the time.
Don Horton – it just seems a phone call is always required to clarify the minor correction, and then it seems to move forward quickly.
Ed Koconis – requested to always feel free to reach out to Crystal Sebben or himself in these instances, they are glad to help.
Steve Henson – commented the communication has opened a bit more and contact is much.**

Continued:

easier when required. Seems we are getting closer to a fully functional system. Communication is key. Chairman Krause agreed he has received comments from contractors complimenting the open communication from inspectors in the field.

BO Griffin update on following items (moved forward until completed)

Permit applicant remove and replace with new applicant – scheduled update for 2024

Historical permit information – no scheduled date for implementation at this time

****BO Griffin asked, what exactly are we talking about the permit app?? Ed Koconis offered to answer the question. Permit cannot be turned over to someone else once issued. This is set on track for fall 2024 integration. Along with permitting search similar to MCEsearch, including historical information.**

3. ABO Rey Ortiz – Oracle permitting search engine capable of mirroring MCEsearch / All permit activity
****Scheduled to be available sometime in the fall of this year. ****

4. Item moved forward until completed – scheduled for BOCC approval
ABO Ortiz & attorney Kelly Dugan
Applications pursued in good faith time on permit applications
FBC 105.3.2 was added to the FBC in 2004 MCC 6-102 originally adopted in 2002.
****Kelly Dugan - Completed and currently in effect. It is recommended to contact and work with the Building Dept. as continued extension may be required and will be available by the dept. after validating proceeding in good faith. ****

5. Attorney Thomas Wright – **Update on the recommendation by the CEB to increase the current Monroe County/Florida Building Code/Florida Statutes Violation fine from \$ 500.00 to \$ 2,500.00 per violation.**

****County Thomas Wright – After last meeting in November as requested Mr. Wright sent a letter to the County Commission. County attorney Bob Shillinger contacted him and explained the request conflicted with State Statute, limit of \$ 500.00. County attorney Kelly Dugan offered some other options. In reference to citations, the person does not appear in front of the CEB Board the officer is authorized to cite the current \$ 500.00 per violation as our maximum civil penalty. State Statute does provide a county to adopt a fine schedule, which would have a maximum violation fee of \$ 2,000.00. This would need to be approved as an Ordinance by the county Commission. Another option would be to cite a Notice to Appear before the CEB board, the board can set a fine with a maximum fee of \$ 2,500.00 per day for an unlicensed person and a county licensed contractor has a maximum \$ 5,000.00 total. This code is already part of our municode. They would need to be notified through a Notice to Appear with good service. This option is time consuming and usually reserved for specific problems. Staff would make that determination. Tom Wright commented it seems effected appeals seems to have also dried up, since fines remain the same decade after decade.**

Continued:

Chairman Krause – we have 3 scenarios

- 1. State contractor we cannot fine but do report them to the State- DBPR**
- 2. County licensed contractor – comes before the board with a notice to appear**
- 3. Unlicensed contractor – fines as listed below in county code:**

Chairman Krause - asked if an unlicensed contractor can be brought before the board on a first offense?

A repeat violator is brought before the board with a notice to appear.

Venetia Flowers – Should be an Ordinance and collect the maximum amount. Calculating time, value, and money it costs all of us to be here.

Frank Herrada - agreed, individuals should be aware Monroe County does not tolerate unlicensed activity and work without a permit.

Mia Santos - agreed, there is value in time and if they are required to come before the board for the decision and fine, we may see more compliance with our regulations.

Kelly Dugan – explained the cap of \$ 500.00 was in place until 2013, and then the previously discussed options were approved. You can implement any policy that is already in our Chapter 6 code, the increase in fine with the adjustment to the citations with the cap of \$ 2,000.00 would need BOCC approval.

Chairman Krause - asked if then the board can now require the implementation of the Notice to Appear by the unlicensed investigator instead of fine?

Attorney Dugan - suggested might want to provide some guidelines as to what circumstances would warrant the notice.

Attorney Wright - mentioned his letter did discuss unlicensed contracting and no permit.

Frank Herrada – Asked what role does aiding and abetting play in this scenario?

Steve Henson – Historically the BOCC has been reluctant to cite homeowners for aiding & abetting. Chairman Krause explained it is very difficult to prove that a homeowner is aware the person or company they hire is not licensed and insured.

Don Horton – Questioned attorney Dugan, if an unlicensed contractor is given a notice to appear and they decide they will not appear, what are the consequences?

Attorney Wright explained in the past the case was still presented and the decision of the violation could be decided and voted on. Once a notice to appear is with validated good service, the case is presented to the board for a final decision, even if person does not appear.

Frank Herrada- questioned the identification that is requested when an unlicensed contractor is being cited. Investigator Thompson replied driver license, or request ID/Passport.

After final discussion:

Steve Henson made a motion to continue with the recommendation to the BOCC with the modification of as discussed to the \$ 2,000.00 maximum violation fine. Also, implement a Notice to Appear in cases with unlicensed contracting and no permit. Make an effort to notify the public of the penalties and beware.

Seconded by Donald Horton no nays.

A blast email to contractors was requested by the board.

Continued:

Attorney Dugan will work with BOCC and update board on the status of the recommendation. Clarified \$ 2,000.00 per count, per violation. These citations do come with a 10 day right to appeal. Case would be presented to the CEB Board for final decision.

Investigator Thomspson is in favor of the \$ 2,000.00 increase as a firm deterrent to work in the area. Stop work order and code enforcement referral procedures would be followed.

Sec.6-270 – Powers and duties of the Contractors Examining Board

(a)The examining board shall be the local construction regulation board, and shall have the following powers:

(1)

To determine if a license or certificate of competency of any local contractor should be suspended for any violation of this chapter and to fix the length of time for such suspension;

(2)

To call upon members of the industry to advise and assist it;

(3)

To determine if a state certified contractor is guilty of fraud or has willfully violated any of the building codes of the county or has, within the past 12 months, been found by the local construction regulation board of any other county or municipality to be guilty of fraud or a willful building code violation that would have been fraud or a building code violation if committed in the county; and

(4)

To determine if the authority of state certified contractors to obtain a building permit should be revoked, suspended or limited to obtaining permits with specific conditions and to set the terms of suspension or conditions.

(5)

To determine that a licensee, certificate holder, or registrant licensed under Chapter 455, Chapter 471, Chapter 481 and Chapter 489, has committed a material violation of the Florida building code and failed to correct the violation in a reasonable time. In such case a fine may be imposed in an amount not less than \$500.00 and no more than \$5,000.00 per violation. The violation may be disputed as set forth in F.S. § 553.781 (2)(b). For purposes of this section, a material code violation is a violation that exists within a completed building, structure, or facility which may reasonably result, or has resulted, in physical harm to a person or significant damage to the performance of a building or its systems. Except when the fine is abated as provided in F.S. § 553.781 (2)(b), failure to pay the fine within 30 days shall result in a suspension of the licensee's, certificate holders, or registrant's ability to obtain permits within this state until such time as the fine is paid.

Continued:

(b)

When the board has reason to believe that any person not licensed by the board or building official has violated any provision of this chapter which relates to the practice of a profession regulated by this board or Building Department or any rule adopted pursuant thereto, the board or the building official may issue and deliver to such person a notice to cease and desist from such violation. In addition, the board may issue and deliver a notice of cease and desist to any person who aids and abets the unlicensed practice of a profession and/or contracts with such unlicensed person.

(1) Code enforcement inspectors acting under the authority of [chapter 8](#) are hereby designated to enforce the provisions of this article.

(2) Code enforcement inspectors as designated in this subsection may issue a citation for any violation of this article whenever, based upon personal investigation, the code enforcement officer has reasonable and probable grounds to believe that such a violation has occurred. The citation form shall be prescribed by resolution of the board of county commissioners and shall contain the following information:

a. The time and date of issuance.

b. The name and address of the person to whom the citation is issued.

c. The time and date of violation.

d. A brief description of the violation and the facts constituting reasonable cause.

e. The name of the code enforcement officer.

f. The procedure for the person to follow in order to:

1. Pay the civil penalty or contest the citation for violations; or

2. Appear before the contractors examining board to answer a summons.

c) A citation for a repeat violation shall require appearance before the contractors examining board. A repeat violation is a violation after the imposition of a fine or other disciplinary action for another violation. A violation shall be considered a repeat violation:

(1) Regardless of the chronological relationship of the acts underlying the various disciplinary actions; and

(2) Regardless of whether the violations in the present and prior disciplinary actions are of the same or different provisions of this chapter.

(3) Repeat violations of unlicensed activity may be referred to the state attorney's office for criminal prosecution by motion of the contractors examining board.

(d) Any party receiving a monetary citation may appeal to the contractors examining board by filing a notice for appeal with the contractor license coordinator within ten days of a citation.

(e) The contractors examining board may impose a fine and shall impose an administrative fee pursuant to the provisions of sections [6-201\(d\)\(7\)](#) and [6-201\(e\)\(3\)](#) or this section for any violations of this chapter upon a finding of violation. Upon a finding that such violation has occurred, the board shall deny the appeal, make a finding of violation and impose a fine in an amount not less than the amount listed in the citation and no more than the amount of the fine authorized under this chapter and shall assess an administrative fee. The board, at its discretion, may reduce the amount of the fine or civil penalty but not the administrative fee upon a finding of mitigating circumstances.

(f) The act for which the citation is issued shall be ceased immediately upon receipt of the citation. The person charged with the violation in a monetary citation shall correct the violation and pay the fine in the manner indicated on the citation unless an appeal is filed by the person charged.

(g) If the fine is not paid within the time period required on the citation or ordered by the board upon appeal, the board's secretary shall cause a notice of lien to be filed in the official records of the county. The lien shall run against any real or personal property the violator may own. The lien may be foreclosed in accordance with Florida Statutes.

(h) Upon any final judgment foreclosing such lien, the court shall award to the county all costs as a result of this violation, including investigation costs, filing fees, court costs, and reasonable attorney's fees.

(i) In addition to or in lieu of any other remedies provided in this section, the county may seek the imposition of injunctive relief and/or a civil penalty through the circuit court for any violation. The civil penalty shall be no less than \$500.00 and no more than \$5,000.00 for each offense. The court may award to the county all costs as a result of this violation, including investigation costs, filing fees, court costs, and reasonable attorney's fees.

(j) This article constitutes the exclusive statement of the board's authority and jurisdiction, and does not confer any powers not specifically granted.

LUNCH: 12:40 p.m. – 1:49 p.m.

New Business for Industry Input:

1. Chairman Krause – Conversation on any major changes in the new update to Florida Building Code Effective on December 31, 2023 Florida Statutes 8th Edition (2023)

****Rey Ortiz presented – information available if requested email:**

contractor-license@monroecounty-fl.gov

Also under MCTV online: 1/-/16/2024 meeting 1:50 p.m.

ABO Ortiz was complimented by the board members for excellent presentation.

Ad-on: Chairman Krause

Questions on the CRS Program – Community Rating System

Chairman presented personal property information and discount being provide by insurance carrier.

Question: What are the next steps a property owner can take, when there is a discrepancy in the discount the property qualifies for per the CRS rating for Monroe County. Troy W. spoke with a FEMA representative and was not able to attain much information to assist the public.

Public is being told we can qualify for a 35% discount. Who exactly is qualifying and who do we contact for assistance? Is their any record of who has qualified for the 35%? If the County is saving 30 million dollars, where is the information on the parcels receiving the discount to

Continued:

total these savings.

BO Griffin - Had to let Troy W. leave the meeting. He will email Lori Lehr as soon as he leaves this meeting.

Chairman Krause - would like to understand the program and who has qualified. When an error is reflected on a qualifying parcel, who does the public contact??

BO Griffin - Will look into the rates that may have been set on particular parcels, and when they were built.

Examples were presented by Chairman Krause, certificates of elevation and his \$ 1.00 savings.

Don Horton - Why do we compound the issues continuously to get these additional points in the CRS when they are not accomplishing what needs to be accomplished.

Chairman Krause - Nothing is covered if damaged in a storm downstairs, but now if you need wind insurance you must have flood insurance. We keep jumping these hoops for FEMA and to qualify for these ratings, but it seems FEMA is dropping the ball. It's not the County because they request and provide certificate of elevations to FEMA, but we are not receiving the benefits of their required restrictions on property.

BO Griffin - No comment, cannot answer because he does not know how the insurance rates are based, whether that's an old rate.

Chairman Krause - said No, these are all new policy and rates he just received. He wonders how many other property owners are not even aware. The insurance company says their hands are tied and send you to FEMA. They make the decision.

Would it be possible to have Lori available on zoom as a stand-by for next meeting? She may not have some answers, but she could fill us in on some questions we may have.

BO Griffin: Yes, she is still in contract with us.

Ad-On:

Frank Herrada - directed to Rey Ortiz presentation – in reference to the pool barrier requirements it is a code change, but it contradicts the Fla. Statue and DBPR. We may see some resistance from the public.

Chairman Krause - Pool discussion with BO Griffin

Conversation available MCTV:2:31:01

BO Griffin – explains Florida technical guidance, he must pick one.

8-inch top of pool wall/ or 12” to coping and breakaway. To be used as a bit of a breather.

Chairman Krause – clarified 12” above grade, that would be the top of your deck? The highest part of your pool 12 inches?

BO Griffin – Correct, both agreed, previously discussed.

Chairman Krause – 8” to the top of pool wall. Pool wall- not meaning the deck on top?

BO Griffin – yes, structural wall. Vzone or Coastal A.

Chairman Krause – Existing untouched grade, are we using the base elevation of what it was at development. Requesting clarification - Is v-zone certification required if 12” or less?

BO Griffin – At this time, we are requiring Vzone certification. Pool is being designed to not create an obstruction in the velocity flood Vzone.

Chairman Krause – 24 inches of non-structural landscape fill can be placed in Vzone, this

Continued:

seems to be a county code, not FEMA. FEMA is not requiring this.

BO Griffin – will need to look into this, it has been this way since he started here.

Chairman Krause – 90% sure this is a county code, neither FEMA or Fla. Bldg code say it must be used for landscaping only. Slabs, walkways, carports if frangible or if not frangible an engineer can certify they will not move or break apart and no wave action.

BO Griffin – will attempt to contact retiree Marie Wingate she may have information and shed some light.

Chairman Krause: Requested additional information on a previously requested item:

Florida Building Code, FEMA regulations and County Ordinances

would like a discussion and would like to revisit. County Ordinances regardless of when they were passed and implemented that may be more stringent than the Fla Bldg. Code or FEMA.

He is pretty sure the one just discussed on 2ft for landscaping may be one of those County Ordinances, that should be re-visited at this time for correction.

BO Griffin – said he would also need to contact the BIO Dept. these restrictions may have come from them.

Chairman Krause – would appreciate any communication if more information becomes available prior to the next meeting. He would hate to wait another 2 months till next meeting.

BO Griffin – said yes, will do.

Chairman Krause – Legal Enclosure question – Ex. built 2000 everything legal and 400 sq ft. Regulations change to 299 sq ft. they want to remodel the house and go over the 50 % rule, would like to bring house into compliance, will the downstairs also be required to come into compliance of the 299 sq ft? In the past you could be approved for the remodel of the residence and keep the enclosure sq. footage, but just being it into compliance of vents etc. and requirements. Are enclosures no longer grandfathered in?

BO Griffin – If they were legally permitting, he has allowed them to keep the square footage, but must bring them into compliance, vents etc.

Don Horton – Are these also being required to register per County code 102-55 ? May be registered with the Planning Dept. Identify and recognizing of non-conforming structures.

BO Griffin – will check with Planning Dept. to see what they require, first time he hears of this.

on a 50% rule, if you are elevating the building then you would have to come into full compliance.

Chairman Krause – Updated flood maps come into plays with these requirements on Azones now reclassified into a Coastal A. requiring compliance to some of the existing downstairs enclosures.

BO Griffin – Still working on the National Violation Tracker, some homes should not have been on the list they are down to 700 parcels. They are trying to comply with FEMA.

Kelly Dugan – BOCC wants to get through the NVT list and then possibly revisit with FEMA the 299 sq ft. limit. Presenting the clearance of over 1,000 properties and progress being made, prior to requesting another visit for further discussions.

Continued:

BOCC – Agenda item for January includes Inspection Upon Sale, another item, they will be discussing which is also part of the next FEMA visit.

Tom Wright – has been in contact with county Attorney Shillinger on this matter.

2. Steve Henson – ****Ad-On/ question was answered earlier, no further questions****

Closed at 3:06 p.m.

[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.

15. Staff Reports

1. Rick Griffin Building Official - CEB Secretary
****nothing to report****
2. Rey Ortiz Assistant Building Official – Dir. Contractor licensing Dept.
****ABO Ortiz presented licensing coordinator Jamie Gross – Informational presentation on the status and totals of the local licensed contractors. Renewals for the registered trades was completed on 10/31/2023, this was a 2-year renewal to expire 10/31/2025. Upcoming specialty licenses that received two extensions by the BOCC are due to expire 6/30/2024. Specialty trades are once again renewable and required in Monroe County who is listed as an area of critical concern per HB1383. Renewal forms to qualifying licenses will be mailed out by the end of January. Licenses will be renewable for 2 years with an expiration date of 10/31/2025. Renewal fee will be based on a 25% pro-rated fee of \$ 112.50 per code. Chairman Krause – inquired if we had considered increasing the renewal fee of a Certificate of Competency. Just making a suggestion. Rey Ortiz – Yes, it has been considered and would require an Ordinance change.**
3. Thomas Wright, Contractors Examining Board Attorney
****Nothing to report****
4. Kelly Dugan/ Assistant County Attorney
****Nothing to report****
5. LaChelle Thompson, Unlicensed Contractor Code Investigator
****Provided Dept. monthly report to board members****
Don Horton – Inquired about anonymous complaint laws and changes made by governor. The law includes complaints to code enforcement unpermitted work and unlicensed activity. The complainant must provide contact information. Have we noticed an adverse effect because of this? Lachelle T. – yes, we have. This was due to Senate Bill 60, any type of complaint must be accompanied by the persons name and address.

Meeting adjourned: 3:13 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.