

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 MARCH 14, 2023 9:30 A.M. – 4:30 P.M.
MARATHON GOVERNMENT CENTER

Contractor Examiner Board Meeting - March 14th, 2023

You are invited to a Zoom webinar.

When: Mar 14, 2023 09:30 AM Eastern Time (US and Canada)

Topic: Contractor Examiner Board Meeting - March 14th, 2023

Please click the link below to join the webinar:

<https://mcbocc.zoom.us/j/87920425168>

Or iPhone one-tap :

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****Attending the Industry Input Section of this Agenda will be: Mayor Craig Cates to hear concerns from the public and contractors****

1. Call to Order / Roll Call

****9:31 a.m. ****

Present for roll call: Chairman Rudy Krause, Steve Henson, Gary Centonze, Donald Horton

Also present: BO Rick Griffin, ABO Rey Ortiz, County Attorney Kelly Dugan, Board Attorney

Thomas Wright and Mayor Craig Cates

2. Excused Absence Approval – Marnie Walterson- Scheduled Appointment/ Frank Herrada- Medical Ventia Flowers- Medical and Brent Robinson- requested to be excused

****Marnie Walterson, Venetia Flowers, Brent Robinson and Frank Herrada approved for excused absence by Steve Henson seconded by Don Horton no nays****

3. Agenda Changes
****Page 2 New Business 11. #2 Violation Paid on 3/13/2023.
Chairman Krause added Ordinance 26-2022 and Ordinance 27-2022 added to page 5. New business for Industry Input as Item # 6.**
4. Approval of Agenda
****Approved by Steve Henson seconded by Gary Centonze no nays****
5. Approval of Minutes for January 24, 2023 (must have participated in meeting to move or second)
****Approved by Don Horton seconded by Steve Henson no nays****
6. Next scheduled meeting: May 9, 2023
****Read into record****
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?"
****No, from the public and no raised hands on zoom****
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?

New Business:

10. Construction Trades Application Review for verification of construction experience and testing approval:
 1. Cespedes, Domingo/ Reciprocity Miami-Dade/ Glass & Glazing Specialty
**** Approved by Gary Centonze for reciprocity from Miami-Dade****
 2. Massot, Miguel / Reciprocity Miami-Dade/ Glass & Glazing Specialty
**** Approved by Donald Horton for reciprocity from Miami-Dade****
11. Lien request for non-payment of citation imposition of fines & costs
 1. Case No: 22301713
Name: Mario Lionesky Baez Mojena
Company: MBM Roofing & Repair Inc.
MCC: 6-77 Certificate of Competency required: unlicensed contractor
MCC: 6-202(11) a. non-permitted work
Issued: November 5, 2022

Continued:

Intent to lien notice: February 14, 2023

Fine: \$1,000.00 Administrative costs: \$ 181.40

****Motion by Steve Henson seconded by Donald Horton**

Fine \$ 1,000.00 Admin costs: \$ 181.40 – 30 days to pay or lien**

2. Case No: 22102436 **PAID 3-13-2023** \$500.00

Name: Lucian M. Whitesel

Company: n/a

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

Issued: October 5, 2022

Intent to lien notice: February 14, 2023

Fine: \$500.00 Administrative costs: \$ 249.45

****Paid by due date/scheduled to close with investigator****

3. Case No: 22200208

Name: Javier F. Sierra Bustillo

Company: n/a

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

Issued: August 15, 2022

Intent to lien notice: February 14, 2023

Fine: \$500.00 Administrative costs: \$ 228.35

****Motion by Gary Centonze seconded by Steve Henson**

Fine: \$ 500.00 Admin costs: \$ 228.35 – 30 to pay or lien**

12. CEB & CBAA Member Renewal Approval

1. Renewal of CEB & CBAA board member Venetia Flowers for an additional three-year term to the Contractors Examining Board. Beginning June 17, 2023 thru June 17, 2026. Member title lay person.

****Motion by Donald Horton recommending BOCC approval for additional three-year term seconded by Steve Henson****

2. Board member Marnie Walterson regrettably will need to relinquish her position as layperson on the CEB Board as of June 17, 2023.

****Board wishes Marnie the best of luck in her new position with FKAA, it will be difficult to replace her expertise.**

Conversation on the new candidate replacement requirements were discussed.

10:20/3:42:35

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.

****9:11 a.m.****

****Contractors Board welcomes Mayor Craig Cates to the Industry Input section of today meeting****

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

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

***In the audience: Timothy Brigam**

13:24/3:42:35

Old Business for Industry Input:

18:01/3:42:35

1. Update from Karl Bursa Senior Administrator Floodplain Program/ Building Official Rick Griffin and Attorney Kelly Dugan

a. Adoption of new (amended) FEMA substantial damage assessment forms

****Rebecca Quinn provided a marked-up version of our substantial damage assessment form. Donald Horton requested a recap on the concerns or comments they provided. Karl said the markups are substantial, and he has not had a lot of time to work through them. Don Horton requested if it was possible to email a copy to the board, of the marked form for review. Karl did not feel a collaborative process is what the State is looking for, he would prefer to make the amendments first with Rebecca. He would like to provide what is acceptable to the State for review by the board.**

Karl provided Chairman Krause clarification of the initial amended form requested by the CEB provided by BO Griffin and Karl to present for approval, in place of the current detailed form being required by the Dept. Forms must be deemed complaint with our Ordinance, simple as that.

19:06/3:42:35

Don Horton did request a copy of the original marked up form provided by the State, or asked if he would need a public records requests. Karl agreed he would provide the form as requested.

b. Approval of owner/contractor detailed contract in place of FEMA assessment form

****Does not look like this will be acceptable****

c. FEMA visit outcome

****No information received on the outcome of the visit****

19:30/3:42:35 **Complete conversation available on MCTV**

Gary Centonze: Asked if a meeting ever took place at the conclusion of the visit, Karl said the meeting never took place, they headed north. No follow up meeting took place.

Gary commented it was a shame the meeting did not take place, as Commissioner Lincoln was also looking forward to the information that would be provided.

Continued: 24:24/3:42:35

Mayor Cates did comment, in the future with some of these things being so important (referencing to requested amended form 1. A) - Karl should get input and should forward copies to the CEB Board so they can review. We should and can make sure everybody is on the same page, with an understanding on what is going to be sent to Tallahassee or FEMA. So very important to everyone's livelihood and the residences of Monroe County. Much more of this discussion is available on MCTV on our website CEB 3-14-23

d. Double lattice with 50% opening between columns below base flood

****No feedback received to date****

2. FEMA requirements and County Ordinances- Chairman Krause

Discussion on non-structural fill in a v-zone as a County Ordinance. Karl B. to provide update.

****Karl explained this discussion has now been rendered moot with the adoption of our new Ordinance – to be discussed further under # 6. New Business.****

3. Monroe County Online Permitting System Update by Ed Koconis

update on date if available: E- checks

****No updates available at this time for e-checks. Ed explained the process of working with the Oracle vendor and being able to get any issues resolved as they come up. They are still working on a few, but they are not getting many questions. Frequent questions are placed on the website to assist the public.**

Gary Centonze: Had hoped for a better turn out from the contractors and the public, late advertisements may have contributed. Don Horton did compliment staff on availability to assist with questions as needed.

Chairman Krause: Also reiterated the need for easier accessible communication to the contractors, even during hurricanes sending out a mass email to inform the contractors and public on status. He asked ABO Ortiz if he had a chance to look into the issue the County is having with the current email system in place.

40:46/3:42:35

ABO Ortiz: Informed the board they are currently working with IT Dept. and looking into what is available to assist with the current needs. He will be providing updates to the board.

Don Horton: Commented some of the minor issues they are finding in his office with the new online permitting system;

1. Once a contractor assigns an agent as applicant for a permit, the system does not allow the contractor to remove the applicant/agent from the permit and assign a new agent. The applicant/agent has full access to the permit.

Ed K: Explained they are aware and are working with Oracle and BO Griffin on a solution.

2. Language used in the system when working with a permit requiring corrections, the system refers to this as in plans review, very confusing maybe could be noted as, returned for corrections.

3. When reviews are completed, the system generates an email, the email reads: revisions required.

This email should read corrections required, as the permit is not yet issued to qualify as a revision at this point.

4. Documents are being uploaded by the applicant, reviewers are not able to see the uploaded docs.

Ed K: Will check on this, something new he was not aware of. Ed did contact staff during the meeting and did answer the question. There is an upload link provided in the email that is requesting the

corrections required. You must use that link provided when uploading documents. The link is an alert to staff, a document has been attached to the permit.

5. Plans under review, are still not providing the staff information as discussed at the last meeting. It makes it very difficult and wasted time on both sides.

Ed K: Agreed and commented both ABO Griffin and Planning Director Emily Shemper would be able to confirm with staff, this is no longer happening.

ABO Ortiz: Commented staff has already been directed to provide this information. He would appreciate an email directed to him, so he can look into this situation immediately, if it continues. Don Horton reiterated that everyone is aware how staff is working on correcting some of these issues and he brings them to light at the meetings so everyone may gain some additional information if they are experiencing the same problems with the new system. This format provides communication to the public in person and via zoom so hopefully some of the questions they have are being answered here. ABO Ortiz agreed the public is just as important when implementing a new online system, and your feedback is greatly appreciated.

Emily S: Also agreed please feel free to contact her directly if you have any issues with missing contact information of a planner after review.

6. Portal time-out of 15 minutes, request to possibly increase to at least 30 minutes?

Ed K: Will ask Oracle if this is a possibility. Staff has also requested, extended time.

7. Notice of Commencements required prior to the first inspection per code. Permit was requiring the NOC prior to issuance of the permit.

Ed K: Commented that has been fixed in the system. Please be aware any applications applied for prior to the correction in the system, may still present that error.

Don H: Also, why if the NOC has the book and page# from the clerks why do we still need an affidavit?

Ed K: You either need a certified copy or it has to have a notarized statement/affidavit. stated in FS 713-13.

Attorney Kelly Dugan: Clarified the current requirements stand, until said time when the statute is updated to catch up with today's technology.

Frank and Mercy Herrada on zoom: 1:00:27/3:42:35

1. Cycle for review 4 weeks each time a new correction or document is requested.

Ed K: Commented the longest review by staff is now 12 business days. If anyone does find a review cycle more than 4 weeks, please contact Ed for assistance. Ed also reviews the daily permit reports and monitors the status of each permit. It was 20 days when we started.

2. When the correction or item is uploaded a complete cycle begins for every reviewer and Dept. regardless of if, the correction being for only for one specific discipline. It is a waste of time for the duplicate work by all staff members.

Chairman Krause: Did mention these 2 issues were discussed at the last CEB 1-24-23 when staff provided information on the reasons why. One being the possibility of other changes being made other than the correction requested by Dept. staff. Chairman Krause does disagree with this reasoning as the responsibility lies on the architect or engineer who stamp and seal the plans and acknowledges they are the only correction made, as outlined in the request. No other correction is made. New set of plans instead of piecemeal corrections. To be discussed further later in

Continued:

today's meeting.

Ed K: Did mention due to the requirements of a complete set of stamped plans on a job site.

All dept. and disciplines must re-stamp the new corrected set of plans. The process is expedited as a complete new review is only required by the dept. or discipline that requested the correction, all others are providing the stamps to the approved set.

The request for a new complete set of plans being required for any correction requested is also a situation causing delays. Ed explained, the option is available to submit individual pages for a house permit as an example. So, if a correction is required by a dept. or discipline you could then provide the correction pages for that request. You would be required to pay special attention when printing the final approved permit pages for the job site.

1:09:04/3:42:35

ABO Ortiz: Explained this was discussed at the last meeting. If a set of drawings is a single pdf of 25 pages, and 5 disciplines are stamping all of those pages, once a correction is required a complete new set, 25-page pdf is required. We do not have the ability to remove and add pages within the original set of plans submitted. Now another option to consider would be, sending individual pdf's per discipline at the point of submission, this would alleviate the requirements of the complete set. The correction is requested and the only requirement would be the corrected pdf for that discipline. All of the other approved discipline pdfs would have the original approved stamped set ready to be issued along with the new corrected pdf from the specific discipline.

The protection of all of these digital licenses, protection of the contractor and property owner is of the utmost importance.

Chairman Krause: Requested Mr. James Reynolds Engineer who was in the audience if he would mind coming up and answering a few questions in reference to this topic. Mr. Reynolds office assistant Mia was also available.

Chairman Krause: Questioned Mr. Reynolds from an Engineers' point of view, when a correction is required on a set of plans, is it easier or more difficult to correct and provide a complete new set or the individual pages?

1:14:27/3:42:35

Mr. Reynolds: Commented either way is fine, but what they have been told is to resubmit a whole new set and this is what they have been doing. Electronically it is just as easy to provide a whole new set when requested. Now, it would make the permit review process go quicker by providing individual pages then they could consider that. Chairman Krause and

Emily S: Did comment on the subject being discussed. The concern would be, if the discipline requiring correction pages was for example mechanical, her office would need to review these corrections, to check the required setbacks on the new correction pages and determine if any changes occurred to the original approved. The beauty of the complete packet being submitted and the new online permitting system, was to allow multiple disciplines and dept reviews to go on simultaneously. Review times have been cut in half and she assured no one from her dept. would delay a review to the very last scheduled due date by staff. The concern would be how would we decide which corrections are extreme enough to require a full new review. How would this be determined, is a concern. 1:19:51/3:42:35

Chairman Krause: Agreed exterior corrections would always include a Bio/Planning review for approval.

Continued:

He is more concerned with the discipline corrections requested for interior work, where no changes effect the exterior of the property and home. Chairman Krause reiterated, when correction plans are provided by an architect or engineer and they outline the corrected items and stamp the new plans, they make the determination and provide information on the changes. The first page should assist in the determination of the correction reviews and who should need to review and approve the new plans.

Gary Centonze: Agreed, the final responsibility of a set of plans is on the architect or engineer, which stamped the plans or corrections. A cover sheet detailing the changes made as requested should be the responsibility of the architect and engineer as they hold the liability.

Mr. Reynolds: Agreed but also included that it's his understanding there is no one in place within the permitting process that would monitor and make these decisions on behalf of the dept. and able to determine when a review is and is not required on corrected plans being submitted.

Mia - All Aspects: Mentioned that currently the submitted plans are received by a permitting customer service rep. they only process specific items within the review process and forward all permit/apps to the licensed plans reviewers for determination on additional review requirements, as needed.

Further discussion on this topic may be required: Is there a qualified individual that can review submitted corrections and determine what Depts. and disciplines are needed for re-approval of plans.

Another similar situation mentioned by Mia All Aspects on a particular set of plans, a request for a document by Flood Dept. was requested. Once the determination was made that the request for the correction was an error. The original set of plans submitted were no longer acceptable and a new set of plans was requested. ABO Ortiz clarified the document being requested as not part of the original approved plans and agreed this could be resolved and no other plans would need to be provided.

ABO Ortiz: and Mia will work on this unique situation and resolve the issue presented.

1:30:29/3:42:35

ABO Ortiz: Informed the Board, that after discussion with BO Griffin and Planning Director Emily Shemper, and Ed K. they will work towards expediting corrections that are submitted for approval. With the understanding there are certain specific requirements for specific permit types which take priority of the first review schedule. ABO Ortiz did reiterate the County is in favor of a singular pdf document for plan approval, for the majority of the permit types they receive. It is easier for staff and will assist with less errors in the field. After a healthy discussion, we shall all continue to work towards correcting the minor hiccups we are experiencing. We can and will continue to work together. Final decisions would need to be determined as to who and how would the determination be made on a correction that a review is or is not required by planning/bio dept. Further discussion is need on this topic.

1:40:58/3:42:35

3. **Mercy- FMH:** Permit Inspection list that has been pre-loaded into the new online system is excessive. Mia did mention that ABO Ortiz is aware of this as it was mentioned in a meeting, he had with All Aspects and her.

ABO Ortiz: Acknowledged after the productive meeting he had, he believes those inspections have already been removed and corrected.

4. **Mercy- FMH:** When permits are issued with a private provider, some inspection types are not allowed to be performed by the private provider firm. Example: Biologist on site Inspections etc. the system does not allow the inspections to be scheduled online. The contractor must then attempt to contact someone to assist in the scheduling of the required inspection. In this particular case she reached

Continued:

out to Crystal Sebben and there was a 2–3-day delay just to receive a call back. Since these required inspections also hold up the project employees are having to be sent home, until the inspection is scheduled, and the inspector can visit the site.

ABO Ortiz and Emily S: Both understood a 3-day delay for a call back is not normal procedure. Emily did request in the future to contact the Biology Dept. for assistance if a similar situation occurs. Mercy commented that since these are not normal procedures, she needs to be provided with concrete direction on who to contact to schedule these inspections to avoid delays.

Emily S: Mentioned the required inspections that were listed on the permits were corrected a few weeks ago to eliminate holding up other inspections. Due to the online permitting process, some of the permits that have been issued prior to this new update, will still need to be worked through and may be more difficult. This should be resolved and eliminated with new permits.

Mercy FMH: Did request other than Crystal S. for assistance is there a main phone number or email that can be used by contractors in this situation.

Ed K: provided the InspectionHelp email which is monitored all day. Or contact Crystal Sebben or Mikala Manning for assistance. Just like PermitHelp email InspectionHelp is monitored to assist all day long.

5. **Mercy FMH:** Planning Dept. delays reviews up to the 30-day deadline for review by Dept. Other Depts. do not have this issue.

****Discussed during Oracle Update with Ed K.****

Timothy Brigman-Crystal Clear Pools: Took them 5 months to get the first permit. Excited on all the issues that have been discussed and we are all moving forward. 2nd round for a new permit took 30 days for approval. It is great when we can be provided with more information on what is required. Improvement on communication of these meetings, would be greatly appreciated. Very interested in attending and participating in the future.

Chairman Krause: That's what these meetings are all about, to see what are the problems and working them out together.

Continued Old Business:

2:03:04/3:42:35

4. Update from Emily Schemper/ Attorney Kelly Dugan

Recommendation by board to BOCC to reconsider the 299 sq ft enclosure limitations below base flood.

Emily S: Unfortunately, there is not much to say right now, because the strategy the Board chose was to wait for the results of our Community Assistance visit from FEMA. We have not received, Karl has been reaching out, asking what is going on. Don't know if the Board will change its strategy if we don't get those results soon? But at this point we are waiting on that.

Chairman Krause: Usually the County hears fairly quick from FEMA. It has been close to 4 months. We will put this on hold, until the next meeting.

5. Landscaping Specialty Certificate of Competency and HB735

Update from Emily Schemper Senior Director of Planning & Environmental Resources

Emily S: Specifically, regarding the landscaping contractor. If nothing changes in this legislative session.

Continued:

Our goal is to have 4 options, then many persons can pull a landscaping permit. The contractor, his authorized agent, an Owner Builder or even an agent for the owner. Ex. contractor Tim Matthews no longer has his license because of the HB735, he would still be able to pull the permit. We are still working with the new software, to make this work.

Chairman Krause: State requires workers compensation exemption and liability. Anyone who does any work for anybody and gets paid, is supposed to have that, to cover the homeowner. So, if someone is able to pull permits like that, I'm hoping that the County is going to be requiring that.

Emily S: She will need help from legal for something like that. But is that true for something like a landscaping permit, which really is just a Land Development regulation? It's not, don't think falls under a Building Permit regulation.

Chairman Krause: What happens if someone climbs the tree and falls out? Lands on car or house?

Emily S: I don't disagree. To be consistent with what the State is doing right now, I'm not sure how that works.

2:07:13/3:42:35

ABO Ortiz: We can only follow up on licenses that are required. So, this is similar to you as a homeowner allowing someone to clean your pool, or cut your grass, or UPS guy, one that you hire and someone to be on your property, it is up to the homeowner to look into the insurance requirements. If the person is issued a permit, then we cannot ask them for that information.

Chairman Krause: Alright, if legal can handle that. It's a state requirement, that's mandatory. If anyone is receiving pay. That's up to legal, just putting it out there.

2:08:01/3:42:35

ABO Ortiz: If someone is a licensed contractor yes, they have to provide. Let me clarify, you are requesting that when someone applies for a building permit application and they are not a contractor, they provide insurance liability and workers comp information? I'll have to talk to our legal team. To see if that's something we can do.

Chairman Krause: If there was no permit, I agree with you. But if you issue a permit, I guarantee it's required. But that's up to Ms. Dugan to determine.

Kelly D: Yes, this is something that we are currently working on. If the way this shakes out is, we are having to issue permits to contractors that no longer require licenses, are we allowed to require them? to submit. Our preference would be for them to have the license as that resolves all of those issues. This is something we are working on, and we will have to update the system as to how to apply for permits. Landscaping is a little different, they are not building permits. So, it would be a different type of permit.

Chairman Krause: Ok, when you work that out, if you would please let us know.

Gary C: Provided the Mayor with an update on unlicensed activity and the 20 plus years and how far the County has come. What has happened now with the HB735, are the effects and the lack of protection for the elderly in the community. We are hoping to not go back to those days. As soon as the licenses are no longer required, we will not be able to protect the public anymore.

Don H: I think they were also trying to look out for the little guy. He was having to pay a fee to each municipality for licensing and registration. They overlooked the fact that these guys do need to have some sort of licensure, so that we can guarantee the homeowner there is some

Continued:

type of liability insurance and workers comp insurance for their workers. It sounds kinda simple when it comes to a landscaping contractor, but these are the guys climbing your trees and the liability may fall on the homeowner.

A question to Emily, you mention we may allow somebody to be an agent for an owner. Would we keep a list of those companies or guys? And stick to that list? Similar to approvals of biologist list.

Emily S: I think that getting too close to licensing. That was not our intent. Our intent is that person is a one-time agent for the homeowner, not a long-term basis.

Don H: I didn't think an owner can assign an agent on an owner builder application, so there is a complication with FS 489 and the owner builder having to sign and pay for their permit in person. I just can't imagine how something like that would work.

2:15:16/3:42:35

Emily S: Well, since we are again in this world, there are two permit types. Environmental Restoration and Environmental/ Landscaping. They are really not building permits, they do not even go to the Building Official designee, they go to the Biologist for Official designee. So, I think that is why if we can get the software to cooperate with us, we could change those two permit types a bit. To make them different.

Kelly D: It really is a separate issue. It is not under Chapter 489. The building permits themselves are much more complicated, much more state rules that we are having to apply to them.

So if we take the landscaping as a separate issue, it is not a building permit, what are we able to do to help people in that situation. It's pretty limited as far as the application because it's limited to and not a building permit.

2:17:13/3:42:35

I do have an additional update on the HB, do you want to go into that now?

Chairman Krause: Yes, I was hoping for an update. We have a lot of contractors that are worried, they don't want to sign contracts, they don't know what is going on. Kelly you and I had discussed this, once you get some feedback and have something you could bring up, we would need to get a public service announcement to everybody. Because there are so many specialty contractors, right now, that don't know if they should sign a contract right now for a new job, because their licenses are going to expire. They can't move forward with their livelihood. So, this is going to be very important, so then again, nobody knows what is going on. They make phone calls and get nothing. You and I have been in contact, but the rest of the public do not know what is going on.

Kelly D: Yes, as we've discussed here and also, I know our BOCC has pushed for this as well. We've been pushing for some legislative action on this issue. Frankly it's a little bit messy, at the moment. So, we are requesting some input and some assistance. Trying to push the right Bill through the State, the one that is gonna assist the contractors the most. Keep the most licenses that we are able to issue, again that helps with the insurances and protecting the homeowners, as well as protecting the contractor's livelihood. Especially to those who already have the licenses here locally.

The legislature just went into session last Wednesday, so that is less than a week. There have been Four different Bills that have been introduced on this issue. Some of them are better than others. We have looked, myself, staff and our legislative staff, have reviewed all of these, the one that we feel is the strongest is and is going to cover the most licenses, was introduced by Representative Mooney, our Rep. First off, we are very appreciative that he has been listening to everyone's concerns and making an effort

Continued:

there. You should have a copy of that, we have extra copies if anyone wants one. It's HB1625, there is also another competing that Bill that has been introduced in the House. Then there are what you call a partner Bill for both of those in the Senate that are very similar to the House Bills. Rep Mooney's Bill which is HB1625, if you look at subsection 2, bottom of page 2, you will find a list of specialty license types. If a local government was already issuing this license type before January 1st of 2021, we will be allowed to keep doing that. So, anything on this list, we would be allowed to keep as a locally issued license. The secondary part of this is, if it is something we are not allowed to require a license for, you don't have to have a license to pull a permit. So, we wish the list was longer, but this is by far the longest list we are getting out of any of these Bills. What I would encourage everyone to do, certainly read through this. If you are a local contractor and your type of license is not included in this? Write to the committees on this, tell them can you add me in. Different government agencies, the counties, there are different people making request, to add different license types. The people they are most concerned about is the contractor, they get the most weight with the legislature, right now. We are putting together a list of people that you can contact. Rep. Mooney obviously he is aware of this issue. This is more so, a brief letter an email to State leadership, Committee Chairs, or members of the Committees where this Bill has to go through. Express support for making this change, and why. Ex. I'm a marine contractor, this really helps, please pass it. My plan is, we have sent out some contact info before, is to send out a new email with this information of these people. I don't have it today, but I should have it in the next few days, from our legislative staff.

What they have asked is to specifically reference the House Bill, with its number because there is more than one. Also copy Rep. Mooney if you are sending an email. This gives him the ability to say, hey, look at all these people that have written to you about this, let's help these guys out. Also, feel free to share this information, if they agree, they can write for it's support as well.

Chairman Krause: Thank you, Kelly.

2:23:49/3:42:35

6. Board member Donald Horton – Question: Definition in the code of existing grade prior to start of construction.

Don H: Emily just a little background, there was a design professional that reached out to me. Drawing a set of renovation plans, remodeling plans on a single residential unit. It had done a lateral addition to house and one of the plan review comments that came back out the Biologist (I think) or one of the Planners. They wanted to know the overall height of the structure, from existing grade. They used the existing grade according to the survey. The response back was, no, we want to know what was the existing grade prior to the beginning of the entire project. When the original house was built. Of course, that information wasn't available. There was a survey done, from when the original house was built, some 25 years before. Of course, in some neighborhoods, let's take Venetian Shores in Islamorada, if you were to take the original grade, before anything took place, you would be underwater. Cause they dredged the canals and built that way. So, this brought forth the question; what would be our Planning Director's interpretation of existing grade, prior to start of construction.

Emily S: Unfortunately, every site is a little bit unique. It is supposed to be prior to construction of the first home if there is already a house there. Not underwater, before the land was filled to create the subdivision. But that information is not always exactly available, that is why our definition of grade

Continued:

in the code references, as best available data. When staff gets a development permit and they are trying to confirm existing grade, they look back to see what the permitting history is, is there anything in there, were there surveys? What was the height limit applied at the time. If it is clear in the permit that height limit at that time the house was going up, and then the addition is the same height as the existing home, that is a fairly easy one. You may also use crown or curve of road, which usually in the past it has been higher than the grade on the property. Now we are seeing more and more properties that are getting filled of course. Height is a sensitive issue in the County as you know. This is not interpreted no matter how much fill you put on the property, that then you can start measuring your height from that final grade. It is supposed to be the previous grade, unfortunately for what you're trying to say. I think what you are going for is, however much fill, whatever has been put on the property, let's just start measuring from there? We've never done it that way, and at least as long as I've been here. I don't see us switching to that unless we got some very clear direction from the County Commissioners for that. If there is a complicated one, if it's an addition and you don't agree with what the planner is saying, you can send those to me. I will look at those, it is tuff sometimes. We try to give people the benefit that we can. If there is absolutely no information at all, we hate to say, you must use the crown of the road. But we have to look to see what is there. You can send information beforehand; I've done that before. Before you start designing, and say this is what I think existing grade is, what do you think? We will take a look at it. The code, as you know, already includes a little bit of a height exception. An extra three ft. if you are elevating higher. Three ft. above your required flood and if and when the new flood maps become effective, another thing we are waiting on. When those do come out and are effective, for all properties the height limit is going up to 40 ft. as long as it meets the new flood map requirements. So, I think that is going to help people out as well. But if you are not sure about the existing grade, let the planners know, let me know we can take a look at it, before you start designing. You don't want to design around a certain grade and then you get into permitting and it's totally different.

Don H: At this point there really is no cut and dry answer for somebody, especially if you can't find the original permit, and actually that happens a lot. Couple a weeks ago, Karl and I went through that, there was a permit issued in the 80's, that staff could not find and it held up, significantly held up a project. I was able to locate that permit. So, is that what we would be looking for? Because a lot of the older surveys they didn't worry about that to much. They did not spot elevations as they do now.

Emily S: So, you sometimes have to pick through the permit, maybe there's no spot elevation on the permit, but there's something else in the permit that references, ex. the house is 22ft tall. At least give us a reference point of where to start. My recommendation would be if you have a previously developed site, and you know you are going to be cutting it close, in terms of height. Do a records request of all the permit records. Page through and see if you can find anything that can support what you think the height should be. Always check the crown or curb of road.

2:30:54/3:42:35

Sarah Girard/Compass Architecture & Design: The project Don is speaking about, is for me. I apologize I should have been more prepared. But the planner I believe had required, that I go by crown of road, which was actually lower than the existing grade. However, to me, the comment didn't really even make sense. Clearly the addition was a foot and a half lower, than max building height from either one of those situations. So, then I went back and looked at the code, it's very vague. What does it mean, prior to the start of construction?

Continued:

Emily S: Before you build a house.

Sarah G: Right, I understand that now. But when I read that then for me, before I start my project, is before I do this addition. Nowhere does it specify, this is before anything has been built there. Prior to construction, what construction, I guess.

Emily S: If we have some amendments going through, where I can tweak that, I can do it. Or I can write up an interpretation and just have it on file. There was a period of time, I don't know if any of those planners are still here, there was a time short period of time, where planners were telling people that on a previously developed site, they had to go by crown of road. I thought that had all ended. It's possible some people are still a little confused on that. Send me the permit number and I'll just take a look and try to guide people and make sure they are looking at it. I'm trying to work in your favor as much as possible, for developers and contractors. But at the same time, I can't, what would happen if I just let height blow open?

Sarah G: Absolutely I understand that, and I think, my suggestion the Flood Ordinance that was just revised it still has a gray definition in there and is still very vague.

Emily S: That one is different, only specific to Flood. So, Chapter 122 even though it lives under the wider Land Development Regulations, it's kind of like its own little Flood bubble within there. So, for example the Flood it's not really a full Dept. but Floodplain Management isn't even under my Dept's umbrella, but that little portion lives in the Land Development Regulations because it has to, because of how it works with and not with the Building Code.

Don H: Thank you Emily.

2:34/28/3:4235

Chairman Krause: Emily I have a question, if somebody built a house in the 70's and they put 4ft of fill on their lot. Back in the 70's they had a permit, whole nine yards. They are demoing the house now and want to rebuild. They are going to be starting off at negative 4 ft from the height they can go to because of the fill that was added?

Emily S: Yes, possibly.

Chairman Krause: Ok, it just doesn't make any sense to me, but ok.

Emily S: Well, are we going to keep filling and they are going to keep going up higher and higher?

Chairman Krause: What I was getting at, these were permitted and done properly.

Emily S: What if today your neighbor built a house with 4ft of fill, let's say that in 5 years they tear it down and want to build a new house? Now they are going to put 4 more ft of fill and build?

Chairman Krause: No, they would not be able to put more fill on there.

Emily S: But you see what I'm saying, they put 4ft of fill and then they keep going.

Chairman Krause: Back then they didn't worry about flooding, retention ponds. Now that's a big thing, the County won't even let anyone put 4ft of fill.

Don H: With sea level rise, we might want to encourage everybody to put more fill on the properties.

1:56:57/3:42:35

New Business for Industry Input:

1. Update requested by the board on the possibility of a contact persons /ombudsman who can assist the public answering phone calls to assist with the new Oracle Online System.

Ed Koconis: Possibility of the system allowing remote viewing capabilities to assist with permitting. Will work on the permitting online page, moving some of the information around, easy access and visibility. Additional contact information made visible. But the emails are the best source.

1:58:43/3:42:35

Chairman Krause: Requested the possibility of the approved Agenda being made public in the scheduled newspaper ads of the meetings, like the BOCC does.

Maria P. liaison: The Agenda is posted on the online County Calendar, and it is posted 8 days before the meeting. Also, under the contractor's online page under contractors examining board, where we also post the Agenda and the Minutes from the previous meeting.

2. Update on review process currently in place, requiring all Depts. and/or disciplines having to review a revision/correction of a new set of pdf sealed plans submitted.
Possibility of expediting the process by only requiring the review and approval by the revision/correction requestor.

Chairman Krause: Item has been discussed today and everyone is on the same page, to continue to work on this.

3. Follow up from ABO Ortiz on the use of Blue Beam color coding system to identify Dept. stamps and comments on plans.

ABO Ortiz: Staff has been directed to do so, and you should be seeing this update now on all new permits.

4. Ed Koconis & ABO Ortiz provide an update: Check with Oracle or find a better solution than using the uploaded dates when viewing cycle sessions in the plans review. Once all comments have been addressed completing the cycle with a Resolved in the view screen. To eliminate the back and forth required when multiple cycles are listed.

Chairman Krause: Previously discussed today.

5. Request from the public to have access to view contractor status in the new Oracle Online system.
ABO Ortiz to comment on a solution.

****Jamie G liaison:** You should be able to see your permits when you log onto the online system under applications. The question we've been getting is, we have put new contractors into the system that are not in community plus visible on MCeSearch. There is no way to search if they are active. What we've done and will now be available every Friday, on the main contractor information page on our website. There is a list of over 400 odd page list from Community Plus, that list is still there. Under that list there is now a new list link. It has been generated from the Oracle system, a much cleaner list and searchable using Control F function. It is better than what we previously had.

6. Add-On to the schedule by Chairman Krause Ordinance 027-2022 & Ordinance 026-2022

2:37:20/3:42:35

Chairman Krause: Mentioned they may want to break for lunch and then come back to discuss the Ordinances which would probably take about an hour.

Emily Schemper: Did clarify with Chairman Krause that if this was in reference to 026 Flood Ordinance which he responded, Yes. Emily also questioned why this might take an hour and if the board was expecting a presentation of the Ordinance today because she did not think Karl Bursa was prepared today.

Chairman Krause: Stated No, he was just looking for a rundown because evidently this just went into effect just this week and 27-2022 went into effect in December. He stated he was just sent the information on this just last Thursday and there are 46 pages for 027-2022 and 67 pages on 026-2022 he did not have time to review them and was hoping staff could provide a quick rundown and then get back between now and the next meeting, they have time to review and put questions together.

Don Horton: Mentioned he had already received from some input from some folks that said they actually have some questions also. One or two of the items he himself did not even realize they had been proposed Ordinances. Chairman Krause stated this was also news to him.

Emily S: Did not want to mess up the lunch break, but mentioned these are the Ordinances that went through the full public hearing process, a couple of community meetings and she believes a meeting with contractors maybe before Mayte/ planning left? It went to Planning Commission then went to the Board of County Commissioners. These are the same Ordinances that went through that, they were adopted in November, so now finally this one is effective because they had to go to the State. But if you would like Karl to do a detailed presentation of it today and does not feel he is prepared. She only mentioned this since they were discussing breaking for lunch and returning, and he does not have what you want. Because he also just got that request.

Chairman Krause asked Karl if he was prepared, Karl motioned, No.

A decision was made to not break for lunch and ask Karl to touch on some key points and if they have some questions, Karl can provide the information at the next meeting. Karl agreed it sounded like a plan.

5-minute break: Meeting called back to order 12:29 p.m. (2:40:28/3:42:35)

Chairman Krause: Asked Karl B. if he could provide information Ordinance 026-2022 which went into effect just last week. Thursday March 7, 2023.

Chairman Krause: Asked Karl B. if this was passed through the County Commission.

Karl B: Responded, Yes sir.

So the adoption proceeding for this, there were 2 public hearings requesting feedback on this, there was a hearing in front of the Development review committee, hearing in front of the Planning Commission, two meetings in front of the BOCC and then rendered to DEO for approval for an adoption.

Chairman Krause: When did it go to the commission?

2:41:25/3:42:35

Karl B: Answered November.

Continued:

Chairman Krause: Did not remember seeing it, so that was why he was asking, because he definitely should have been there. So, if you can give us a quick rundown on some changes, not asking for details because that can take some time. There are 46 pages, correction 67 pages, just the highlights would be great.

Karl B: Well in terms of highlights the first thing you will notice, if you turn to the back of the packet you will notice a whole bunch of strikethroughs, that is the old Monroe County Land Development Code Chapter 122. It has been completely repealed and replaced with the new Ordinance. Karl mentioned to Chairman Krause that he previously mentioned the fill question in the Vzone had been rendered moot, this is what he was talking about. Our entire old code has been stricken and removed and replaced with this new one.

2:42:34/3:42:35

Chairman Krause: So is non-structural fill allowed now in a V-Zone or Coastal A?

Karl B: – It is, but it is very highly regulated and in order to do so, you are going to need to provide an engineering analysis which has to prove competently and substantially that it will not... yes you can do it, but it will be a big lift.

Chairman Krause: Again, this is a County Ordinance not required by FEMA or the State, is that correct?

2:43:00/3:42:35

Karl B: I have not seen the State Model Ordinance language by itself, so I cannot answer that.

Chairman Krause: Ok, so if the County was not directed by the State or by FEMA to do this, were they?

Karl B: I was not involved in the crafting of this Ordinance between us and the State. So, I cannot answer that question. Don Horton inquired, who crafted it? Karl B. So, Mayte Santamaria and Rebecca Quinn (our point person at the State) folks that did most of the work, I know this goes back to before I was even here. Started between 2016- 2017. We were required to adopt the State Flood Plain Ordinance and it took awhile working with them to get to where we are with this.

Don Horton: So, do you know when the public hearings were done for these? And what explanations and presentations were done.

Emily S: Looked back and found a Community Meeting on December 2, 2021, looks like a few contractors where there. Community Meeting on January 20, 2022, Community Meeting on February 3, 2022, and the draft language would have been posted at the very least on the website. Planning Commission probably August or September last year. It went to the BOCC a few times because there were four Amendments traveling together, but because one was part of Chapter 6 the other three were in the Land Development Code they all had slightly different timelines, so when they went to the BOCC Board they would be reminded this one is part of the others and there is a big package coming through. She can get more details on the dates if they would like. But, over the course of 2022 there were probably 4 public hearings as mentioned.

Chairman Krause: Asked Karl B. to mention the changes that will be affecting the public.

2:46:06/3:42:35

Karl B: As mentioned, the non-structural fill in VE-flood zones is now permitted but tightly regulated. The sale inspection, where County Floodplain staff will be inspecting lower-level enclosures at the point of sale, sorry prior to the real estate closing. That has come back into the code, so that is in there.

Don H: Requested if Karl could explain further.

Continued:

Karl B: It's back to the old Pilot Inspection Program. When someone comes in and there is a property that is going to change hands, the Floodplain Management staff will need to look at the enclosure prior to the closing of the sale.

Don H: So, the County will be notified by a Title Company or?

Karl B: Someone, we are required to be notified. I am still processing this, this is a lot to take in, this was a lot of the things in here replace the old code and we are trying to see how they fit in.

Don H: I think that is what's happening to a lot of people, who are trying to figure out how this kind of stuff happened. This is what 2 people mention to me, and I did not realize this would mean this inspection process would be taking place prior to a sale. Someone puts a contract in to a piece of property and somehow the County is notified, and somehow an application has to be made, fee has to be paid and then someone from the County come out. Not doing a building code inspection but simply doing a floodplain inspection. That is really one of the big deals, how is that gonna take place, obviously it's not a requirement of FEMA, not a requirement of Emergency Management, so it was something that was put into the code. Do you know for what reason? Or why that would be?

Karl B: I cannot speak to that Mr. Horton.

2:48:39/3:42:35

Board Attorney Thomas Wright: Can I insert a couple of questions? Because this was the industry, I was in. Is this already in effect? Has the County reached out to title companies and real estate attorneys and realtors, to let them know about these changes? because if not, haven't we created real estate transactions that are in violation of the County Code, at the very least.

Don H: Agreed, he had someone that owns a title company mention this. How did we communicate this which is now part of our code with these major changes. This code is in effect. The bell has already rung, and first off there is no process and secondly every elective that I have talked to and a lot of the people in the industry including title companies, are asking how is this even gonna happen? There's an inspection, what do we do?

2:49:53/3:42:35

Thomas Wright: As someone who did closings I could see a number of clients, when word gets out about this, coming in and saying, who's your professional liability carrier because you screwed up my closing and never got this approved by the county. Wondering how did the county not conduct some sort of notification and outreach to the industry, to let them know, so they would not be out of compliance. Can anybody address that? Was there a decision made not to notify people, or did no one think of it? What happened?

Don H: I don't know, but there are a lot of parts and pieces to this Floodplain Ordinance that was passed and adopted which is a major surprise to a lot of people, in multiple industries.

2:50:55/3:42:35

Chairman Krause: This is only the tip of the iceberg, as we dig deeper into this.

Steve H: I'm shocked, I know we have been talking to Karl and FEMA since last year and planning about the ramifications of the 299 sq ft enclosure. We even had a FEMA representative come on zoom and we talked to her about the point system that places us in a credit versus a debit category, to save money. We asked how much and how many points we get for the 299. We even talked and recommended that we eliminate the 299. Because of our points, we would not lose any credits as far as FEMA was concerned. We had that meeting and had her on zoom. Karl, I have to ask you, why didn't you point that out, in the last couple of meetings, that this thing had been passed? From what I'm hearing this is a drastic change.

Continued:

Don H: There are some major changes in this.

Steve H: And considering the ramifications on real estate, I buy and sell real estate on occasion, and the last thing I think we need is another fiasco like, open permits. It was jammed up, the real estate market across the board. Real estate deals went down the tube with the open permit thing. This is going to be worse. Cause now you have a house that has a downstairs enclosure, that has to prove that it was legal, and even if it's legal, then you might have to demo it. This is what I'm seeing, I can just see so many night marish scenarios. I'm at a loss, I better shut up at this point, Mr. Chairman back to you.

Chairman Krause: Karl what other major changes at the top of your head that you would consider major and will affect the public? Big changes that will affect the taxpayers of Monroe County.

Karl B: Sure, another thing that was part of FEMA's guidance that came down, accessory structures and agricultural structures, which we don't have many of down here. But detached accessory structures that are below design flood elevations are now limited to 600 sq ft in an AE Flood zone and 100 sq ft VE Flood zones. So, sheds, I joke, but you can't do a garage or anything of that sort, larger than 600 sq. ft. even if you have the space for it, even if it's detached and away from the house.

2:54:18/3:42:35

Don H: Is this a requirement from the Dept. of Emergency Management or was this a suggestion?

Karl H: No, this was a requirement Mr. Horton. FEMA has a technical document that we were required to adopt, as a result of this. So, this is something from the Feds not from the State. So once again that's 100 sq ft VE Flood Zones and Coastal A when it becomes effective. There is an administrative variance procedure that is in place for the AE Flood Zone, that would allow you to go up to 1,000 sq ft if you can prove a hardship. You would be required to ask for, if you wanted something bigger than 600 sq ft. Above design flood elevation, if you can meet those requirements, you can do that.

Chairman Krause: Detached below flood specifically.

2:55:35/3:42:35

Gary C: This is a little above our pay grade,(joke) I get it, we sit there and monitor as a board for the Contractors Construction Examining Board, but we were luck enough to get that. But this is way above our pay grade, I honestly don't believe that the County Commission new exactly what was in that. We have been talking about this for months, I would never say this has been a waste of time, I've been here 30years I would never say that, but I really don't think that was in the best interest of homeowners, taxpayers and voters in the County. I don't know where we get directive here, on county staff to act in the best interest of county voters. We have a housing crunch, we have a lot of different things but, I'm sitting here like Steve and Rudy we've sat here for months and months talking capturing the downstairs, talking about if you do your downstairs you can only put lattice and we talked so much about this, you know these guys are amazing experts here (referring to the board members) we talked about aluminum, powder coated louvers, it was nope you can't. Because FEMA says very clearly it has to be lattice but, these guys are smarter than most people and said, wait a minute if it has to have a 50% opening your allowed to use that stuff. So, I just don't think we are on the same page or were just not smart enough up here. I think there's a lot going on in the County and remember they have a full-time job just like we do, and we have to rely on the County to process information, on a whole different level here. This is a really big issue and I think this is going to affect this community and I think our homeowners rely on staff just like the commission the BOCC relies on there staff and direction from our County Administrator. I think we've wasted, I don't know how many hours, talking about these downstairs, and if this has already been passed, I don't know if this was just an oversight?

Continued:

Like the Governor signing HB735, if this can be rolled back? What I'm hearing is, we are going backwards in time. There was a time when we fought the insurance company before you bought your house they would come out. Again, it was big Government getting into everyone's business. Again, it was people that could get a permit, but when I asked why don't you want to get a permit? I don't want people running threw my house, this is my personal home and I have the right to build. There was a time many years ago, when it was mentioned, we may not want to allow Owner Builder anymore. I had to tell him, stop right there once you take someone's rights and rights to build a home, you have issues. The Building Dept. is great we have some great BO here. They did great during sewer installs with the elderly pulling owner builder permits and I understand the bigger picture here, everyone in the Bldg. Dept does great.

On a bigger issue I understand county staff has to comply with what's going on. We all understand FEMA During Wilma, perfect example, propane tanks all over the place. We immediately thought the propane companies added the ballast pads, to hold them down. A lot of good came of it. We do understand the break away walls. I understood I had to get an inspection when I bought a house, had to correct the louvers. I think we did a god job but, I think the more and more that we keep squeezing and there has got to be something. I understand that FEMA is a major entity, I understand that we have to comply in order to get FEMA assistance same thing we have in the City. But there's gotta be some method or methodology that the homeowners and taxpayers and voters are represented a bit more diligently. I know what FEMA wants but is there nothing that will allow us to a least put our 2 cents in? It's a different area to capture a downstairs. I'm really surprised that we sat here and talked about let's increase the 299 and I think Mr. Bursa you said something that stuck out in my mind when I asked you one day, what's your aversion to a larger enclosure and you said something, well if we do that then people will want to illegally develop the downstairs. But then again, I thought I have a truck that has 800 horsepower and it says 180 mph on the speedometer, I've thought about that since you said it, then maybe they should not have sold me that truck? It should be illegal for me to drive that vehicle. So, it's kinda the same thing I mean I just think that we've gotta look back and we know we live in a very unique area on this island. I'm not saying your job is easy Karl, you've sat on the hot seat, and I admire you for that, you gave us a lot of good information, but at the end of the day, like I think I told you before, we have homeowners that have little 1,200/ 1,500 sq ft homes that want to enclose that downstairs. I'm not saying putting in bathrooms, no, they want to capture that so they can put their good stuff in there. But I'm taken back like Mr. Henson why didn't we have that discussion when we were asking? When we were talking about making them bigger. I know it's not your job to answer us, I know that. You probably said that privately, why do I have to answer to a contractor's board and discuss FEMA? But I think that the powers at be, that are your bosses and certainly allow us to sit on the board, like us in place. It's our obligation I believe, to bring this to the Commissioners. I think it's staff's responsibility to attack with the best interest of Monroe County Citizens. I don't know if going with whatever FEMA said, are we part of the sheep and cattle and just follow everybody, I don't know that did the County or us any good. But I do respect FEMA and I understand we need them and Monroe County Staff, no one better during a hurricane. But I think hopefully there are things that can still be done. I don't know if this will sit well with the Commission once they know or they may say hey listen, it was advertised, due diligence was done, no one showed up and it was their responsibility. We've talked a lot about it, and it's unfortunate but if this is out of our alley, I need my chairman to tell and there's no more to discuss, this is done.

3:03:05/3:42:35

Don Horton: But Gary you said something important, that people don't understand. "I don't know if FEMA this and FEMA that", but FEMA has minimum guidelines, minimum standards. Even here at this board, talked about other communities throughout the State of Florida, that have a much higher rating than we do, and we keep working ourselves back, our community rating is lower and lower. But there are other communities in Florida that have ratings that are higher and higher. As long as they meet the minimum standard, so a lot of the things you're seeing in here are the things that have been passed by this, are far in excess of what FEMA requires as a minimum requirement. We also talked about how that did save people money. When we calculated it one time, we calculated moving from one level to another would save somebody \$ 40.00 a year or something in their flood insurance as an average. But then again without having a downstairs enclosure to store their stuff in, they are paying \$120.00 a month for storage unit in a storage facility. Even over \$ 300.00 absolutely.

Gary C: What I heard there are 260+ communities in the State of Florida and only a handful under half a dozen have a lower rating. Karl had given us information, I think about 35% savings that we got on our insurance at the time.

3:04:44/3:42:35

Karl B: Just so that we are clear here, the higher standards that we enforce are a minimal part of our CRS rating, you all keep bringing this up, that's not the whole, you are missing a very important point. The higher standards that we get credit for, is minimal. Our CRS rating the lion share of our rating comes from stuff we have already done. Cakes that are already baked. Things that, what you are talking about does not apply or implicate. One of the things that I want to bring up, you keep bringing this up going backwards in CRS. If we go backwards in CRS, I want to make sure that everyone understands, if we go backwards a class, we lose our entire Class Rating, until such time that we have established the new class. Basically, this is coming from one of the insurance agents that gave a presentation on this. If we for some reason drop a Class ranking, until they have done their due diligence or something, we basically lose the discount, until such time as we've got the new class ranking in place. So, we want to be extremely cautious talking about backing up.

3:06:07/3:42:35

Don H: You say once we ring the bell, we can't un-ring the bell? In other words, if we are getting extra points and moved into a different rating because we have 299 or no enclosures in Vzones and our County Commission wants to allow full enclosures or if they wanted to allow climate control or air conditioners below flood enclosure, that we would lose all of the rating.

Karl B: Until such time as we have the new rating, put it to you this way; easiest way to go about doing what your talking about Mr. Horton is, we would take away the points for a lower-level enclosure and it would only be if we have points that are going to replace that and we could get a re-certification. If we did that, then from what this insurance agent was telling me, I think we would be ok. If we do not, and try going in reverse, it complicates things immensely, let's leave it at that.

3:07:16/3:42:35

Gary C: The word discount, how much are we talking about. Rudy spent countless hours researching this, unless we did our math wrong, how much are we talking about? Don H. assisted in calculating it was \$ 45.00 per home, per year. Karl don't use 35% anymore, is it under \$ 100.00 per home?

Karl B: Again, I would not be able to answer that straight up, without doing some pretty serious

Continued:

research. Again, part of our problem, I gather, we are still looking at a whole dollar amount per family, or per household. It's not consistent.

Gary C: Karl you are the expert in the room, and everyone is looking at you and on zoom. You are the expert, we naturally assume that every staff member in Monroe County is doing what's best for the citizens. I say best, best means we would love to have the downstairs and do like Islamorada and have the temperature controlled. Maybe it hasn't been presented to you, maybe we should have gone to our Commission and asked can you go to Mr. Gastesi and ask if he can direct staff to find out what it is we can do, and if we roll backwards, give me a dollar amount of discount versus how much we can capture. I'm surprised today, just reading through this little bit, now these other things are happening. In the Vzone, no elevators? What do we do for ADA people? So, rapping up Karl, I know you're the expert, so the last several meetings, we've been asking you and thank you, you have been answering it has been great. But again, we have to know and the reason the BOCC let us ask these questions is because it has to do with the construction industry, but then again, for me I'm gonna grab onto what I know. When I was told right on the record that on the downstairs, the home that I built that is elevated, it is legal it's built a foot above flood, and I was told you can only put lattice work. Then these guys (board members) tell me that's not true. We can use aluminum; we can powder coat because there is another rule. So, it's not your job, you're like an attorney, to present both sides, you do what your told to do and I get that. You're doing a good job at what you're doing but, I think there has got to be some intervention by our BOCC to start asking more specific questions and more tasks. I'm only one member of everyone over here, one of seven on this board. Guys what is that we can do for our local homeowners? What can we do for rate payers, taxpayers, and voters? I mean we are all supposed to operate on the best interest, this Board does the County does, everybody in the County does. Like I say, we've asked you this question so many times and I'm really sorry, but I never thought to ask you, hey by the way is there any legislation in place. So, you know we are only into March, I apologize, we should have, I should have been more up on this. I apologize for not asking that question in the past, but I sure would like to have known that there was legislation in place that's already passed. But I'm hoping the County will reconsider and look at this again.

3:10:51/3:42:35

Chairman Krause: So, Karl, this brings us to downstairs enclosures. So with this new Ordinance is there no more downstairs enclosures in a Vzone or a Coastal A?

Karl B: So the language reads; in coastal high hazard zone V and Coastal A zones not more than 299 sq ft. may be permitted to be enclosed by walls of screening or open lattice.

Chairman Krause: Ok, so no more enclosures, let's just make it nice and simple for everyone to understand. No more enclosures in a Vzone or a Coastal A unless you with a screen room or some lattice.

Karl B: Correct and 299 sq ft.

Chairman Krause: There is no way to protect any of your belongings. If someone is here for 6 months out of the year, you can't store no outside furniture no kayaks, no nothing in there. You will create more damage during a storm as things would blow out of there and cause damage to neighbors, because now you can have no enclosures. We are talking about a Vzone, a lot of people are saying, I'm not in a Vzone I don't have to worry it. Well, what people don't know is once FEMA goes through with the Coastal A, even you said Karl, there will be thousands of properties that will be Coastal A zoned. They will have to go by this requirement. So now, this is going to make all the houses in a Coastal AE Zone and a Vzone, as a non-compliant, is that correct?

Continued:

3:12:19/3:42:35

Karl B. They would be a legal non-conforming, that is correct.

Chairman Krause: Ok, so now what happens if somebody loses, let's just say, a door can rust out or T-111rots out, or their window, they cannot replace it, is that correct?

Karl B: That's something I want to get with legal on, before I answer that question Mr. Krause.

Chairman Krause: But that's correct up to now, for non-conforming, it's how it's looked at right now.

Karl B: That's correct, but then again specifically that's legally non-conforming lower levels that I want to say, yeah, read: They were lawfully existing since April 12, 2004.

Chairman Krause: So, they are not grandfathered in, when they have this damage, there gonna be done, knock them down, no more downstairs enclosures. This is going to affect hundreds of people, thousands of people. Just wait until the public gets ahold of this and we will see how happy they are gonna be. Because this is just, as far as I'm concerned, this is craziness going on. And I don't know, I definitely don't know who is the one that came up with all of this? And put it through the whole system. But just wait, it's just been us complaining up to now.

Gary C: we are not complaining, we are asking. Like someone very wise once told me Pelosi said, let's pass it to find out, what's in it. So, we'll see. Very wise man told me that once.

3:13:48/3:42:35

Chairman Krause: Ok, so elevators in a Vzone and Coastal A

Karl B: Elevators in a Vzone or Coastal A are permitted but they will have to be lateral on the house, you will not be able to have them underneath. Meaning on the side of the home. Elevator and shaft on the exterior of the structure on the side of the structure. Let me get that out there for right now, elevators are permitted but you have to do that a certain way.

Don H: And of course, they will have to meet the setbacks.

Chairman Krause: And this is the problem, we all know the problem. Most lots in Monroe County and improved sub-divisions most lots are 60ft by 100ft. For someone just to build a 40x 40 house with an overhang 1,600 sq ft. You can't put the elevator in the setbacks, everything is going to be in the setbacks.

3:12:48/3:42:35

Emily S: There is a special accessibility waiver if someone needs an elevator. There is a setback waiver for that.

Chairman Krause: Special if they need an elevator is special for someone who is handicapped? Or anyone who wants to put in an elevator?

3:15:26/3:42:35

Emily S: Let me find out for you, one second. So, the way this read is Variance to the front rear or side non shoreline setback for an elevator lift or ramp, specifically required to allow access of a disabled household member to the subject dwelling unit or to allow accessibility upgrades to a lawfully existing non-residential use or structure up to the amount necessary to reasonably facilitate the accessibility related development. The standards are, the applicant demonstrates a showing of good and sufficient cause, failure to grant the variance would result in exceptional hardship and granting the variance would not result in increased public expenses, create a threat to public health and safety, public nuisance, or cause fraud or victimization of the public and for it's a minimum necessary. So, it's fairly broad in terms of, how do you prove there is a disabled household member, there does need to be an application and requested as such, though. Obviously, you don't have to take it down when property changes hands for,

Continued:

existing properties.

Chairman Krause: Ok, so that's what I was getting at, let's just say, if I'm not disabled, but my knees and my back are giving out. I decide to put an elevator up on my house, I can't put an elevator if I don't have the setbacks. So, I have to apply for a handicapped permit or show that your handicapped or something in order to get an elevator or put up a lift for groceries. Some people live 12ft off the ground, it's hard to carry your groceries upstairs, they're older, even though they are not disabled or handicapped. This is gonna wipe them out, they can't do this, so...

Karl is there anything else that has changed besides the enclosures, the accessory structures, the elevators are there anything that you could think of?

Karl B: There is quite a bit Mr. Krause, in addition to that one of the new requirements is that Florida rooms on mobile homes have to be elevated now. So for manufactured homes if you have a manufactured home at grade and you want to put a Florida room, you would have to have the Florida room elevated.

Chairman Krause: So now not only mobile homes but modular homes also?

Karl B: No, it specifically calls out manufactured homes, it calls out specifically manufactured homes..

Chairman Krause: But isn't a modular a manufactured home?

Karl B: No, it manufactured homes that are non-conforming. Basically, if you don't comply with it you have to elevate it.

Chairman Krause: They may be conforming now, but once the Flood height changes, then they will not be conforming.

Karl B: That is...

Gary C: I don't think there are many elevated trailers and the trailers that are left in Monroe County are not above flood anyway.

3:18:50/3:42:35

Karl B: There are a couple believe it or not, there are a couple. Another one that's going to be something going forward and is going to be complicated, is that concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios, and similar nonstructural uses in coastal high hazard areas Vzone and Coastal Azones In addition to meeting all requirements of the FBC. for parcels in whole or in part in coastal high hazard areas and coastal A zones, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided that the concrete slabs are professionally designed and lawfully constructed to be: Structurally independent of the foundation system of the building or structure; Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any building or structure; and have a maximum slab thickness of not more than four inches.

Chairman Krause: So as of now if somebody has a Vzone across a section of there property, and the house is not in the Vzone, they don't have to go by Vzone requirements. Now if again, I just built a \$1.6 house in Summerland, he has a Vzone going across a corner of his property, he has a pool, he has a downstairs enclosure, he has an elevator underneath his house. So, when a hurricane comes, bye bye pool, downstairs enclosure, bye bye elevator, bye bye everything because his slab is even 4 inches above grade. So basically, he has to demo everything out, and all he has to live with is his house.

Karl B: And then again Mr. Krause I want to speak with legal about this, about the non-conforming structures.

Chairman Krause: This is just taking peoples rights away from them, this is absolutely out of hand.

3:20:38/3:42:35

Don H: So in that scenario Karl, then would this person have to submit this non-conversion agreement and submit to a floodplain inspection as well?

Karl B: If they were to create a new lower level enclosure, Let me make sure I have the hypothetical correct here, we are talking about somebody who is located on a parcel in an Azone that has a corner of the property in a Vzone. And you're asking me if a hurricane comes along and substantially damages the structure? Then yeah, he would have to comply. That's common sense.

Chairman Krause: No, not the structure, damage to the pool and the downstairs enclosure and his elevator. He would not be able to rebuild them, or would it be I understand the pool is not part of the house. That's not in the 50% rule. But the downstairs enclosure would be like the house and elevator, so those will not be able to be rebuilt or those may not even be able to be repaired. They would have to be demoed. This is only one instance, and a lot of people are in the same boat.

Karl B: This is an extreme and highly unlikely incident. But I mean your talking hypothetical here.

Chairman Krause: How can it be hypothetical I'm not saying 50 % damage. I'm saying something hits the downstairs enclosure and elevator and puts a hole in it, they are not going to be able to repair it.

Karl B: But you're also assuming there are multiple properties out with that specific set of circumstances.

Chairman Krause: There are a lot of them along the shoreline, I'm not saying thousands, but I'm using this for an example. Here is somebody has \$ 250,000.00 dollar pool in there and they won't be able to replace it, they have an elevator that has been damaged and an enclosure, and even though it has been permitted everything is fine, they are just getting a CO on the house, this is how new it is. This is just like I say, this is gonna effect a lot of people, your gonna be hearing about it. If people only new about what is going on, I guarantee it they would be right here, fighting for their rights. But the public doesn't know a lot of this and what is going on.

3:23:19/3:42:35

Don H: Rudy if you look at section 122-14 under inspections I'll paraphrase, development for which a floodplain development order in which a permit is required, shall be subject to County inspections. So, it appears to me that, at anytime a permit is required, an inspection can be performed on that structure, whether it's a pool or it's a house, whatever, and then confirm compliance with all the requirements of floodplain. So, at anytime a permit is required, it opens the door for this type of an inspection. These are not in anyway close to minimum requirements, these are way above and beyond requirements that would be FEMA requirements.

Chairman Krause: We have taken this way above and harder again for the people that live here in Monroe County. My question is, why? Why are we going way beyond and making it harder.

Don H: That's why we've been talking about these enclosures for quite some time. Over a year now.

3:24:40/3:42:35

Thomas Wright: Mr. Chairman I would like to also point out, I've been reviewing this as we have been discussing it. Under 122-15(e) it sets out the said penalties against the seller of property, who sells property and had not obtained the said County inspection prior to the sale. Penalties include treble damages, against the seller, it says the seller must also pay all of the buyer's legal fees. It also requires the seller not only to liable to the buyer, but any subsequent buyers of the property in the future. Let me just say from my legal experience, these sanctions are incredibly onerous on a seller. Again, my concern, I haven't heard any answer to this, how this could be put into place without any notification to the real estate industry. Which is a major industry in this County. It's probably, other than tourism, it is the major industry in this County. I just see

Continued:

incredible liability here and again I would question the severity of these sanctions they are breathtaking.

Don H: I think it's warranted, and I'm so glad that our Mayor is here today, to be able to hear this discussion and especially from one of our county attorneys. The surprise that everybody, in this forum and even the discussions that we've had here, that this could take place and the major industries building construction, real estate industry this is surprising.

Thomas Wright: Let me be clear, I'm not a County Attorney, I represent the Contractors Board, not the County.

3:26:48/3:42:35

Gary C: Yes, that's right for the contractors' board. But you know what is amazing, Mr. Chairman you know Bob's amazing, our County Attorney, he single handedly came up with a great idea as far as the HB735. What he did was brilliant. What he did to keep kick this ball down the road, I mean my phone was ringing with people freaking out, people coming here, wondering what am I gonna do? I just find it hard to believe that our County Attorney was made aware of this. He can't watch everything, that's a fulltime job, he has things coming from all sides at him. I'm sure once after this meeting, I'm sure he is going to be aware, or at least look into it. I didn't even realize the legal ramifications into this. Like Steve said, you have some major properties that could be subject to this.

Don H. When did this Ordinance take effect Karl?

Karl B. March 7th. Last Tuesday, last week.

Don H. And so, the title companies, the closing agents, real estate attorneys the sellers the realtors are all in a bind, but at the same time, they have to follow this code.

3:28:04/3:42:35

Tom Wright: Yes, I'm glad it hasn't been in place longer, I'll do what I can do after the meeting to get the word out to the real estate industry, in the middle keys anyhow. But we need get the word out. I presume this meeting itself will help to get the word out.

Gary C. Well Tom it's the same thing the reason that we didn't know everything that happened with FEMA, it was advertised. I think the County again as long as these are advertised, I don't think anybody is hey, buyer beware.

Tom Wright: Well, exactly that was why I was questioning, no one from the County felt it was incumbent to reach out. Anyone can say, you weren't paying attention, or it was your fault, I understand that but, it would strike me as the right thing to do, to reach out to these groups, especially considering the importance to the economy of Monroe County and the real estate industry and associated industries.

Chairman Krause: Well, something this major, yes, it should have been handled something differently. If it's stuff that goes on, and Ordinance here and there, County Commission makes a good call on it. But something this important, I don't feel like the public had enough notification. How many people are sitting there, I know it was done properly and legally that's not what I'm saying at all. But a lot of people did not know this was coming, so...

3:29:32/3:42:35

Emily S. This was actually advertised beyond what is legally required. I just want to let you all know that. And I was not gonna dig this up, but I do want to let you know that on November 23 Ed Koconis did send an email to the entire industry with a link to all the Ordinances, that was in 2021. So, this was definitely put out there and multiple community meetings which were not required. They were specifically announced to the CEB the links were sent, I understand that it's a lot of information, but I think right now what we need to do, is

Continued:

work on a path to move forward. So, if you wish that it was handled differently in terms of outreach to the real estate industry, we can work on that. The County can work on that, we can figure out what we need to do to move forward. But these regulations were put in place, with the best interest of the County and its residents and homeowners in mind. Per our Comp Plan we will move forward with further protection of homes and structures from flood risk. Earlier in 2022 we just adopted the required peril of flood policies, into our comprehensive plan, that is required by the State. We just put that into our Comp Plan, and it says that we will continue to protect against flood and protect even more. It does not say that we will get rid of our Floodplain regulations. So, I know there are a lot of different opinions about this, but there are plus and minus on everything, but this is not all a negative to our community.

Chairman Krause: Ok, and Emily we have these meetings, this is where I disagree a little bit, we have these things could have been brought up. You said you emailed us the link?

Emily S: Ed said the email to the industry as he normally does. He has an email list he updates regularly, he sends information out and there was both a summary of what was going on and the link to the details of the Ordinances all of the draft language was there. So that was prior to the first community meeting and then there was a specific request that it be announced at the CEB and the importance of these amendments be impressed upon the construction industry, we new this would affect you, the County new it would affect the construction industry and we did what we could to get input.

3:29:56/3:42:35

Chairman Krause: Ok, we were sent a link, you have to remember, you and everybody else employed by the County, you get paid for studying this, you do this all day long. We have businesses to run, we do what we can, we are up here free of charge, we take our time off of work to come up here and we try to see both sides of what's going on between the public and the County. And we do the best we can. You know, everybody has been having the same problem, they are short handed with help, they are doing 60-hour weeks because of affordable housing, because there is none down here, I could go on and on and on. I'm not coming up with excuses but I'm letting you know, we have a business to run, we are not 8 hours a day 40 hours a week.

You get paid to do this, you are going through this. We can't take every link and go through it, 300-400 pages. We just don't have time to do that and that's how come a lot of times. Like we are saying, just somebody here could have said, hey this is coming down the pipeline. What do you think about this? These are some of the changes that are going to get changed and you know it's just like, we don't get that. It's like let's hide it, and that's the way we feel up here, it was a hidden agenda. You sent it to us, but it could have been brought up and discussed. That's why we are up here. We don't have all day to go through this stuff. We have businesses to run, and we have a lot of people depend on us to bring back a paycheck at the end of the week, if we don't run our businesses right, we will end upside down.

Emily S: I don't think anyone was intending to...

3:34:06/3:42:35

Mayor Cates: Mr. Chairman can I make a comment over here, I think you are jumping on the wrong person alright. You had an opportunity to review this, and you missed it, alright. Now we are talking about it, and when you hear the other side of it, sounds a lot worse, than when the people that were bringing it forward, thought it would be like, alright. That's when you could have had your input then. That's in the past, we have to work now, to see if we can minimize any issues with the residences and the businesses, alright. It's nobodies' fault, we had the opportunities many times, to have input and we didn't get it, at the Commission

Continued:

level and the staff level. So let just back off on staff, my recommendation, let's stop jumping on the staff and let's see if we can work out somethings in the future and the commission look into it, ok.

Chairman Krause: Yes, Sir. I didn't mean to jump on staff, I know they are doing the best they can, and they are doing a good job and that was not my intention, at all. I apologize if that is the way it was taken, I was saying if it was mentioned, it would have been very helpful. We didn't know anything about it, even though you sent it to us, we missed it. We missed it, your 100% right, we have to take responsibility but, all of us are busy also.

Emily S: I think that staff tried to prioritize, the changes that seemed most significant. There are probably some that seem more significant now than they probably did back then. I don't know. I don't actually know, I am not the policy person, in this matter. I just help to bring it through some of the final public hearings. But we can definitely try to do some outreach, and I'm assuming, do you still want Karl to do a more detailed at your next meeting, to go through?

Chairman Krause: That would be nice, I don't know about the board, but in my opinion yes. Once Karl has time, we can go through it detailed. We also have, Ordinance 027-2022 which I think, I just received last Thursday but I think it has more to do with what FEMA is requiring. Am I wrong by assuming that Karl?
3:36:41/3:42:35

Karl B: Chapter 6, we actually rolled a lot of the building specific references in Chapter 122 were moved over into Chapter 6 because of its importance with the FBC and the FBC Floodplain Section, flood resistance design section. So that was more along the lines of stuff that was in 122 that had references to building requirements moved over into FBC.
3:37:25/3:42:35

Chairman Krause: Ok so, If you don't mind we can discuss 026 and 027 and just go through them and this ways the board will have time between now and the next meeting to go through them and put some questions together.

Karl B: Sure thing.

Chairman Krause: Ok, I don't have anything else, does the Board have anything else for the County? Does the County have any questions for the Board? Board motioned no.

Chariman Krause: Ok, that will close Industry Input, Jethon is there anybody on zoom? No raised hands.

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.

1:27:52 p.m.

Closed: 3:38:31/3:42:35

12. Staff Reports

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

BO Griffin: I have nothing ABO Ortiz: I'm with him

2. Thomas Wright, Contractors Examining Board Attorney

Mr. Wright: No, I don't

3. Kelly Dugan/ Assistant County Attorney

Ms. Dugan: No, we already went over what I was going to present on HB735

4. LaChelle Thompson, Unlicensed Contractor Code Investigator

LaChelle T: Provided her summary report. Nothing to report.

Chairman Krause: Can you give us an update, I know you have some help now, there are now 2 people, can you give us an update on that, for code.

LaChelle T: We are out going through the community, I'm making sure that everybody is licensed and insured with workers comp and so forth, like that. At this point in time everything has been going as usual. There are some upticks of unlicensed individuals that would not be able to acquire a license, I will put it that way. So, we do see and are seeing more and more of that weekly, that has increased quite a bit.

Chairman Krause: And I know you are going to have your hands full with HB735 when we know which way that is going to go, so I know that is going to be a little bit of a challenge.

LaChelle T: There are some challenges, but we are still getting our work done.]

Chairman Krause: And I'm sure the new person is making a big difference, are you doing the Upper Keys? I apologize I forgot your name.

Doug P Jr.: Hi I'm Doug Jr. I do the Upper Keys. Everything is going as planned, I have a really good team helping me. Learn the ropes and I feel like I have it down now and I'm just going with the motions. Trying to make it a safe place for everybody and make it fair for you guys. Anything I can do to help everyone out, again, I'll do.

Chairman Krause & Don H.: Thank you Doug.

Chairman Krause: I know Lachelle you have been doing this by yourself, you've had the Upper Key and Lower Keys, that's why we requested an extra person. Has that taken some of the pressure off of you?

LaChelle T: Yes, it has and thank you.

Chairman Krause: Do you feel 2 people are enough right now?

LaChelle T: At this time, yes. We are down to 60 miles apiece instead of me with 120 linear miles. So yes, thank you.

3:42:17/3:42:35

Meeting adjourned: **1:31 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.

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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.