

**MINUTES ARE NOT VERBATIM**

**OKALOOSA COUNTY CONSTRUCTION COMPETENCY BOARD  
MINUTES  
May 25, 2016**

The regular meeting of the Okaloosa County Construction Competency Board was held Wednesday, May 25, 2016, at 3:00 p.m. at the Okaloosa County Administration Complex, 1250 Eglin Parkway N., first floor Commissioner's Chambers, Shalimar, Florida. Board members in attendance were Mike Chesser, Linda Flowers, Buddy Gordon, Jason Buck, Jimmy Henderson, Skip Miller, Skip Royster and Damian Curtis. Randy Wise, Mike Dean and Fay Seketa were not present.

Growth Management staff in attendance were Elliot Kampert, Growth Management Director; Renée Lucas, License Specialist; and Teresa Mullins, Administrative Assistant II. Assistant County Attorney Kerry Parsons was also present.

**I. Call to Order**

Chairman Mike Chesser called the meeting to order.

**a. Roll Call:**

Ms. Teresa Mullins conducted roll call.

**II. Acknowledge Guests**

Chairman Chesser welcomed staff and applicants to the meeting.

**III. Approval of Minutes: March 30, 2016:**

Motion to approve the minutes as amended made by Skip Royster; seconded by Linda Flowers; approved unanimously.

**IV. Announcements:**

None

**V. Old Business:**

None

**VI. New Business**

**a. Swearing in applicants/speakers:**

Ms. Mullins swore in all those wishing to address the Board.

**b. Candidates for Testing Approval:**

Ms. Renée Lucas informed the Board that one of the applicants, Walter Steffens, had been present; however, as an 'on call' employee, he was called in to work for an emergency unexpectedly and had to leave immediately. Ms. Lucas stated that staff is requesting that Mr. Steffens be removed from this agenda and moved to the July meeting agenda.

Chairman Chesser agreed with staff's request.

### **1. Anthony James Ford – Exterior Applications & Landscape Structures**

Mr. Anthony Ford was present to answer questions from the Board.

Chairman Chesser asked Ms. Lucas to summarize what Mr. Ford is requesting from the Board.

Ms. Lucas stated that Mr. Ford is appearing before the Board seeking approval to test for the Exterior Applications contractor's license, a local specialty license; which allow him to do windows, doors, garage doors, hurricane shutters, siding, masonry and stucco, as well as the Landscape Structures contractor's license; which allows him to do fences of all types, decks up to 30 inches, boardwalks and utility structures up to 200 square feet and is also a local specialty license.

Chairman Chesser stated at the last meeting, after the stucco contractor was approved, he believed the Board decided to look at those applications.

Ms. Lucas stated that Mr. Ford is seeking approval for all that is allowed under an Exterior Applications license, not just for stucco. Ms. Lucas further stated that, upon approval from this Board, so long as he passes the tests, Mr. Ford will be able to do everything listed under an Exterior Applications license, not just stucco.

Chairman Chesser referred again to the last meeting and the applicant seeking a stucco license so that he could learn to do stucco work, stating that the Board decided that they wanted proven experience related to the type of license the applicant is seeking in order to approve them for testing.

Ms. Lucas stated that Mr. Ford has experience in all facets of the type of licenses he is seeking although noting is specifically documented for stucco. Ms. Lucas further stated that Mr. Ford's intention is to primarily work with windows, doors and siding. Ms. Lucas stated that Mr. Ford is present to explain to the Board his work history and what he is seeking licensure to do.

Chairman Chesser asked if the applicant at the last meeting was seeking only to do stucco.

Ms. Lucas stated that the applicant at the last meeting was seeking only to do stucco which is an Exterior Application; however, his Exterior Applications license will be limited solely to stucco and he will only be able to pull permits for stucco. Ms. Lucas further stated that if an applicant applied for and received a Masonry license, then that applicant's license would be limited to Exterior Applications/Masonry only, and the situation would be the same for just garage doors, or hurricane shutters.

Chairman Chesser asked if the applicant had stated which particular items he was seeking to be licensed for under the umbrella of Exterior Applications.

Ms. Lucas stated that Mr. Ford is not asking to be excluded from any of the types of work allowed under the Exterior Applications license. Ms. Lucas further stated that while he may not chose to stucco a whole house, the skills he uses will vary depending on the job.

Ms. Lucas stated that she wanted to make sure that the Board clearly understands what this license entails.

Chairman Chesser asked that if the license requested today is the same license given to the applicant at the last meeting who was just asking to do stucco.

Ms. Lucas stated that the Exterior Applications license does not break down each type of work down license by license, they are all under the same umbrella of "Exterior Applications".

Chairman Chesser then asked if the gentleman approved at the last meeting to do stucco would also be able to install windows, doors and do all of the other work allowed under the Exterior Applications license.

Ms. Lucas stated that the applicant at the last meeting was seeking approval only to do stucco, so his Competency Card, when he receives it, will say Exterior Applications: Stucco and he will only be able to pull permits to do stucco work.

Chairman Chesser then stated that if Mr. Ford is wanting to do windows, doors and siding but doesn't intend to do stucco, then the Board can approve the window, etc. but not approve the stucco.

Ms. Lucas stated that Mr. Ford is not asking to be excluded from stucco. Ms. Lucas further stated that Mr. Ford has not asked for any specific type of work under Exterior Applications; instead, he is asking to be approved for all of the types of work allowed under an Exterior Applications license. Ms. Lucas stated that applicants have appeared before this Board seeking approval to do just garage doors, and the Board has approved them, therefore their Competency Card says Exterior Applications but is limited only to garage door installation. Ms. Lucas stated that if the Board wanted staff to make the work history and experience affidavits more specific to each aspect of the licensure sought under Exterior Applications she would make every effort to see that it was done. Ms. Lucas further stated that staff didn't ask Mr. Ford if all he wanted to do was windows, siding and doors.

Chairman Chesser apologized to Mr. Ford for the discussion, noting that the Board was trying to make sure that they approved only those who had actual experience in the type of work they are trying to get licensed to do. Chairman Chesser asked if any on the Board had any questions or comments.

Linda Flowers stated that she believes that what staff is trying to explain, is at the last meeting, the applicant came in just wanting to be a stucco contractor; however, he stated that he hadn't had experience but would learn if only the Board would give him opportunity as opposed to the applicant in front of the Board, as well as other applicants, who have actual experience and provide the Board with all the types of relevant work that they have done. Ms. Flowers stated that she believes the Board is confusing 2 separate issues, and the current applicant didn't come in to be caught in the middle of the situation that happened at the last meeting which will be discussed later in this meeting.

Skip Royster stated that the problem is that the Exterior Applications license is very broad in its scope; therefore the gentleman who was approved to test for stucco would be allowed to do all the other types of work allowed by this license type.

Ms. Lucas asked to correct an inaccuracy, stating that the applicant who asked to test for a stucco license will only be allowed to pull permits for stucco once he has tested and is licensed. Ms. Lucas further stated that, while the definition is very broad, licensing is set up so that an applicant can be very specific as to the type of work they'll do under the umbrella of Exterior Applications, i.e. a Garage Door Contractor. Ms. Lucas stated that that this Board has approved an applicant who came before them wanting to be a Garage Door Contractor and that's all she does. Ms. Lucas further stated that the Garage Door Contractor has an Exterior Applications License that is restricted to Garage Doors only and does not allow that contractor to pull permits for windows, doors, siding or anything other than garage doors. Ms. Lucas stated that, in Mr. Ford's case, he is asking to be allowed to test for a license that will allow him to do siding, windows, doors, garage doors, hurricane shutters, siding, masonry and stucco. Ms. Lucas noted that, if Mr. Ford had to replace windows in a stucco home, he would have to repair the stucco, so he would have to have the knowledge to do so, which he says that he has. Ms. Lucas stated that, per Mr. Ford's work history, he has the experience to do the all the facets available under the Exterior Applications license.

Chairman Chesser stated that he hasn't heard Mr. Ford say that he has that kind of experience, he has only heard Mr. Ford say that he has experience in windows and doors and wants to do windows and doors. Chairman Chesser further stated that when someone is asking for an Exterior Applications license, the Board should find out what sort of work they intend to do and exclude everything else.

Ms. Lucas stated that in the future staff will ensure that each applicant that seeks approval for an Exterior Applications license has a work history affidavit that covers every facet of work they want to be licensed to do.

Chairman Chesser interrupted, stating that the Board wants to know that they have actual experience in all the areas that they are asking to be licensed to do.

Assistant County Attorney Kerry Parsons stated that she understands what Chairman is asking for and suggested that the Board ask the applicant to describe his experience.

Chairman Chesser interrupted stating that he was not seeking legal advice regarding this issue. Chairman Chesser further stated that he is trying to find out what the department's procedure actually is.

Attorney Parsons stated that she understands but reminded the Board that this is a quasi-judicial proceeding and an applicant is waiting to be heard.

Chairman Chesser asked the Board if they had any questions for Mr. Ford regarding his application and experience.

There were no questions from the Board.

There being no questions, Chairman Chesser asked for a motion.

Ms. Flowers stated that a motion wasn't appropriate as the applicant, Mr. Ford, has not been given opportunity to address the Board.

Jason Buck asked Mr. Ford to give the Board an explanation of the exterior applications that he has done in terms of his work history.

Mr. Anthony Ford stated that when he was in High School he took a building trades class for 2 years wherein they built houses from the ground up including masonry and everything. Mr. Ford stated that he has worked in the construction industry his whole life, including 20 years at Destin Lights, installing windows, storefront glass, etc. and for the past 13 years he has doing home repair type work as well as doing some work for a builder. Mr. Ford stated that he is wanting to install windows, exterior siding, fencing, decking and that sort of thing to better his life.

Chairman Chesser asked Mr. Ford if he had any experience in stucco.

Mr. Ford stated that he had some experience in stucco, but all he would use that for is repairs around installed replacement windows and doors as he has no desire to stucco a whole house.

Damian Curtis asked Mr. Ford to describe his business experience.

Mr. Ford stated that he has been responsible for his repair business for the last 13 years and had done his own books with help from his wife although he does have an accountant as well.

Mr. Curtis asked Mr. Ford if he has employees.

Mr. Ford stated that he does not have employees with the exception of his wife who occasionally helps him.

Mr. Buck asked Mr. Ford if he was exempt.

Mr. Ford stated that he does have a Workman's Compensation Exemption.

A brief discussion ensued.

Motion to approve made by Jimmy Henderson; second by Skip Royster; approved unanimously.

## **VII. Other Business:**

Ms. Lucas informed the Board that the Growth Management Department started to implement a process wherein notifications are sent to license holders via email. Ms. Lucas continued, stating that once an inspection has been scheduled, inspected and the inspector has entered their results into the system, an email is automatically sent to the email address on file notifying the license holder of the inspection results. Ms. Lucas further stated that the email address used in this process is the one provided by each license holder on his/her renewal or registration paperwork. Ms. Lucas stated that if an email address needs to be changed or amended, staff is requesting that notification be made in writing so that a copy of the request can be placed in the license holder's file. Ms. Lucas further stated that the same email will be used to notifying license holders if

additional information is needed to update their licensing file. Ms. Lucas stated that the Department has also begun implementing notification to license holders of utility connection approvals, again, via email. Ms. Lucas explained how this process would work, stating that, once staff receives notification from an inspector that the utilities have been approved staff will enter the required information into the department database system. Ms. Lucas continued, stating that once the data is saved, and email will be sent out to the utility company; to the staff member who entered the information and to the license holder's email on file. Ms. Lucas further stated that this system is similar to the email notifications already sent for 30 Day and Expired permit notices. Ms. Lucas again reminded the Board that all requests to add or change email addresses, phone numbers or physical addresses must be provided to staff either in writing or by email and will be retained in the contractor's file.

Jimmy Henderson asked staff if it was possible to send that email to more than one email address.

Elliot Kampert stated that right now it's not possible. Mr. Kampert further stated that those kind of fixes take money as it would be something that the software provider would have to fix. Mr. Kampert informed the Board that the most recent fix that the software designer provided cost the department \$5,000.00. Mr. Kampert stated that he would look into the possibility and see if it is both something the software designers can do as well as something the department can afford.

Mr. Henderson asked if the system allowed the inspectors in the field to update the system so that those emails are generated.

Mr. Kampert stated that there is an inspector beta testing an iPhone® application that will allow him to input his inspection results as he does the inspections. Mr. Kampert further stated that the software system used by staff is very old and never originally had an on-line capacity. Mr. Kampert stated that the Information Systems Department staff, along with the \$5,000.00 modification have created an application (app) that will allow the inspector who is beta testing to put his results immediately into the iPhone® app and an email will automatically be sent out. Mr. Kampert further stated that staff is looking into the various voice transcription software that will allow the inspectors to speak their comments and have the comments transcribed directly into the software, which will then generate an email or text with those comments if any.

Chairman Chesser if, when using this application, a builder would know the reason(s) why an inspection failed if it failed.

Mr. Kampert stated that this new system allows for all of the comments that an inspector might make and, because of all the typing involved on a small screen, which is why staff is looking into the use of voice transcription software. Mr. Kampert further stated that staff is aware that not all contractors check their own email, or have that they have emails sent to their staff members.

Mr. Henderson asked if there were other software systems available that did have the ability to send out mass emails.

Mr. Kampert stated that there are indeed other software systems available; however, to change out software systems would likely cost the department about 1.5 million dollars which is why staff is trying to work with our current software designer to see if the current software can be modified to grab more than one email address. Mr. Kampert briefly described how database systems work in terms of grabbing information from certain fields within the database.

Mr. Henderson stated that he was asking because he was concerned that the email would end up in his junk folder.

Mr. Kampert stated that whether or not that happened would depend on what spam filter is being used so the contractor should check their spam filters. Mr. Kampert further stated that he would meet with Information Services staff to see if they couldn't change the email from "donotreply" to "inspections" or something similar.

A brief discussion ensued.

**a. Continued Discussion from March 30, 2016 Meeting**

Attorney Kerry Parson addressed the Board regarding the 4 questions given to staff by the Board at their last regular meeting, stating that she would address each in order from the most definitive answer to the one that may elicit the most discussion.

**1. Can the Construction Competency Board require that applicants only take tests under the edition of the Building Code currently in effect in Okaloosa County?**

Attorney Parsons stated that the answer to that question is yes, the Construction Board can limit applicants to test under the Building Code currently in effect because that individual, once licensed, would be bound by the Building Code currently in effect.

Mr. Kampert stated that the department is currently using 2 different testing providers, one of which, Prometric, is still testing based on the 2010 Building Code. Mr. Kampert further stated that the department has recently added the testing agency PROV, which has proven to be very user friendly and is testing based on the 2014 Building Code. Mr. Kampert stated that it was a management decision to give the applicants choice in how and by whom they wanted to be tested because staff didn't want to force all Licensing testing to just one service.

Ms. Lucas stated that PROV has been very popular with applicants.

Chairman Chesser stated that he didn't understand why an applicant would choose to test under the 2010 Building Code when that is not the Building Code currently in effect in Okaloosa County.

Mr. Kampert stated that it was because there are 2 testing companies, and staff advises applicants that Prometric is still testing under the 2010 Building Code so most applicants choose not to use them. Mr. Kampert further stated that now staff has the ability to tell applicants that they must test under the 2014 Building Code which means that all applicants will test with PROV.

Chairman Chesser asked if it was now time to tell all those testing that they must test under the 2014 Building Code.

Mr. Kampert stated that staff can now refuse to accept any test results that aren't based on the 2014 Building Code.

Ms. Lucas stated that there are applicants that have previously been approved to test by this Board who began their testing through Prometric. Ms. Lucas further stated that staff didn't want to place an additional financial burden on those applicants as they have already purchased their books for the Prometric tests.

Mr. Kampert stated that the Board might want to make a motion stating that from this date forward all applicants must test under the current Building Code. Mr. Kampert further stated that it wouldn't be fair to make those currently testing with Prometric to switch mid-stream.

Chairman Chesser stated that, while he understands it may cost the applicants more money, it may well cost even more if they are licensed and build based on the Building Code they tested under and fail inspections because of that.

Mr. Royster stated that he doesn't believe that the Ordinance needs to be changed to show that restriction.

Attorney Parson stated that there was no need for a motion from the Board.

Mr. Henderson asked if perhaps staff could send out a notice to that testing company to let them know that we will no longer accept tests based on the old Building Code.

Ms. Lucas stated that she has been in contact with Prometric and has been told that they are working on getting books for the 2014 Building Code; however, no announcement has been made to Prometric telling them that no applicants will test with them anymore. Ms. Lucas further stated that there are several applicants who began the testing process with Prometric and those applicants have been clearly told that they will have to adhere to the 2014 (or most current) Building Code once they are licensed. Ms. Lucas stated that all of those applicants understand the situation. Ms. Lucas further stated that since Prov was added as an approved testing agency, most applicants have chosen to test with Prov. Ms. Lucas noted that those applicants still dealing with Prometric, if they haven't passed both tests by the end of the year, will have to appear before the Board again and will, at that point, have to switch to Prov for testing.

Chairman Chesser asked why the Board couldn't direct staff to insist that only a test based on current Building Code will be acceptable period.

Mr. Kampert asked Chairman Chesser if he meant all applicants as of and after this date of May 25, 2016.

Chairman Chesser asked if the Board was really doing any favors for all those applicants currently in the testing process by allowing them to continue to test and get their license based on an old Building Code.

Mr. Henderson stated that plans have to be drawn based on the current Building Code and the contractor should build to those plans, so there shouldn't be an issue. Mr. Henderson further stated that the 2014 Building Code was only adopted in the middle of last year, so it hasn't even been in place for a year as yet.

Mr. Kampert stated that, in fairness, those applicants who, before this meeting date, started their testing through Prometric, should be allowed to complete their testing through Prometric unless they have to come back before this Board for reauthorization to test.

A brief discussion ensued.

**2. Can the Construction Board limit its consideration of experience provided by the applicant to only that experience that has relevance in the field for which he/she is seeking licensure?**

Attorney Parsons stated that the Board can limit its consideration of experience based on the Ordinance which states:

*The applicant must be at least 22 years of age and must meet the relevant experience requirements for the field in which he/she is seeks to obtain a certification.*

Attorney Parson stated that the Board determines what is relevant based on what is heard from the applicant who appears in front of them.

Mr. Henderson asked if the Ordinance would have to be changed if the Board wanted to require, for example, 5 years of hands on experience in the trade for which they are seeking licensure.

Mr. Kampert stated that the Ordinance doesn't need to be changed as it already requires relevant experience.

Chairman Chesser stated that, when someone comes before the Board seeking, for example, an Exterior Applications license, the Board should ask that applicant to provide those facets in Exterior Applications for which they have no experience and do not seek to do.

Mr. Kampert stated that the licensing software already has the capacity to limit the scope of work allowed for those who have an Exterior Application license that is limited to only 1, 2 or etc. facets under that license type.

Chairman Chesser asked if staff could let the Board know, in Exterior Applications cases, what types of work the applicant is not asking to be allowed to do.

Ms. Lucas stated that, in the future, in Exterior Applications cases, staff will ensure that the applicants are only seeking the facets of that license for which they have the appropriate experience. Ms. Lucas further stated that staff will also ensure that the applicants understand the limitations that will be placed on their license due to their actual experience.

Mr. Curtis stated, to make sure he understood the situation, that the gentleman who was just approved by the Board for an Exterior Applications license, if he passed the exams,

will be able to pull permits for all of the facets within the Exterior Applications license. Mr. Curtis further stated that, in the future, applicants will check the boxes of the different facets and provide relevant experience affidavits for those facets when they seek this type of licensure.

Ms. Lucas stated that staff would have to amend the affidavits, which means that those amended affidavits will be presented to the Board for recommendations on or approval for those changes. Ms. Lucas further stated that she will create a checklist for staff, which will have to be approved by both the Building Official and Mr. Kampert, so that the correct questions are asked of applicants when they seek application packets from staff. Ms. Lucas stated that she would have something to present to the Board at the next meeting.

Chairman Chesser stated that he believes it would be simpler to have check boxes on the affidavits wherein the applicant excludes the facets from those in which they are seeking licensure.

Ms. Lucas stated that staff explains to applicants that their work history affidavits must show work that is relevant to the license that they are seeking. Ms. Lucas stated that the affidavits are set up that way so that all of the relevant work history shows.

Mr. Henderson stated that he would like to see a work affidavit for each facet of the Exterior Applications license, i.e. one for garage doors, one for stucco, one for siding, etc.

Skip Miller asked staff if PROV has a test for each individual facet allowed under the Exterior Applications license, i.e. one for garage doors, one for stucco, etc. and if there is a test that covers all of the facets for applicants like Mr. Ford

Ms. Lucas stated that when Mr. Ford goes for testing, he will be tested on windows, siding and doors; however, hurricane shutters are related to windows and will be included on that test, as will garage doors be included with doors. Ms. Lucas further stated that she is unaware if stucco and masonry will be included on the siding exam but staff will research to find out. Ms. Lucas stated that, in addition, PROV has exams that are specific just for Stucco, just for Masonry, just for Garage Doors and just for Hurricane Shutters among others.

Mr. Miller stated that, as there are specific tests, there shouldn't be any question about what an applicant is qualified to do so long as they've got the experience and passed the appropriate tests. Mr. Miller further stated that perhaps staff should let the testing agencies know that they need to have specific exams for each specific facet.

Ms. Lucas stated that staff has already done that, which is why specific exams are available for stucco, windows, masonry, etc.

Mr. Curtis stated that the gentleman who was just approved, will be tested on windows, doors including garage doors and siding but will be licensed as well to do stucco and masonry without testing.

Ms. Lucas stated she believes that masonry & stucco is included in the tests because there will be patching that often has to be done when replacing windows and doors. Ms. Lucas

further stated that staff would contact the testing agency or review their exam information to make sure that this is true.

Mr. Henderson stated that he believes that if applicants are going to apply for licensure in a category as broad as Exterior Applications then they should be tested in each facet. Mr. Henderson further stated that their experience affidavits must show their experience in each facet for which they are seeking licensure.

A brief discussion ensued.

### **3. Can a legal resident non-citizen receive a contractor's license?**

Attorney Parsons stated that there is a great deal of case law on this subject and she has a case that she will provide to any Board member who wants a copy, from the Florida Supreme Court, which explains the history behind the decision. Attorney Parsons further stated that the law is very clear in that that a legal resident non-citizen (legal alien) cannot be precluded from these types of certification. Attorney Parsons noted that legal resident non-citizens are only precluded from voting and from holding policy making positions. Attorney Parsons stated that the case law includes all types of legal resident non-citizens who are protected by the Equal Protection Clause of the 14<sup>th</sup> Amendment to the Constitution of the United States of America.

Chairman Chesser questioned allowing licensure to those who can leave the United States to return to their home country with no notice either because he get sued or just has to return.

Attorney Parsons stated that the Board would be well within it's purview to require proof of status from legal aliens; however, that information would have to remain private and not subject to public records requests.

A brief discussion ensued.

### **4. What counts as accreditation in terms of Colleges & Universities for purposes of substituting education for experience?**

Attorney Parsons stated that there is no explicit definition of accreditation to be found, even in Florida Statutes. Attorney Parsons noted that there are lots of accrediting agencies in existence. Attorney Parsons stated that Mr. Kampert asked for a legal opinion regarding amending the Code to specify exactly what sort of accreditation is acceptable; however, if that decision is made, care would have to be taken so that this isn't seen as a backhanded attempt by a court of law to violate the Equal Protection Clause in terms of legal resident non-citizen applicants.

Mr. Kampert confirmed that staff spent a great deal of time both online and on the phone trying to find a standard accreditation and instead found that there were many different accrediting agencies with varying criteria.

Chairman Chesser asked how the accredited education applied to licensing.

Ms. Lucas stated that, for Division 1 contractors, a Bachelor's Degree in a non-related field is equal to 2 years of experience, in a related field it's worth 3 years of experience.

Ms. Lucas further stated that for Exterior Applications, a Bachelor's Degree is worth 2 years of experience, in a related field or not per the Ordinance; however, in any case where education is used for experience, 1 year of actual structural experience is still required.

Ms. Flowers stated that she believes that is where the Board failed at the last meeting, as the gentleman who was approved for a Stucco license had education but no actual hands on experience.

Ms. Lucas reminded the Board that they required the Stucco applicant to return to the Board with an updated work history affidavit 1 year after he receives his license to see that he has gained work experience in that field.

A brief discussion ensued.

Attorney Parsons stated that she has answered the questions posed at the last meeting and asked if the Board had any other questions for her.

Mr. Royster stated that Okaloosa County requires that Contractors list the Building Department (Growth Management) as an additional insured on their general liability insurance and has done so for many years. Mr. Royster further stated that insurance companies are now charging up to \$500.00 for additional insured to be included. Mr. Royster noted that each contractor is required to sign a "Hold Harmless" agreement with the County that is kept in the contractor's file and asked why it was necessary to also be named as additional insured. Mr. Royster stated that none of the surrounding Counties, specifically Escambia, Santa Rosa and Bay, require that they also be additional insured. Mr. Royster asked when, if ever, the additional insured stipulation has been used to save the County from legal recourse.

Attorney Parsons stated that she did not have information pertaining to that issue at hand and suggested that the issue be discussed at that next meeting when she would have facts pertinent to the issue.

A brief discussion ensued.

Buddy Gordon asked about the County accepting Workers Compensation Exemptions; stating that he was aware of a situation wherein a customer hired a contractor with an Exemption to redo his roof, and when one of the contractor's workers was hurt on the job the homeowner was sued. Mr. Gordon further stated that the Growth Management Department issued roofing permits to 2 contractors with Exemptions, and when the Workman's Compensation folks stopped at the sites, they were told the workers were his (Mr. Gordon's) employees. Mr. Gordon stated that the County should do away with accepting Workers Compensation Exemptions except in the case of General Contractors who sub-contract out most of the work. Mr. Gordon stated that the County should require that Roofing Contractors have Workman's Compensation insurance for their employees.

Attorney Parson noted that the Workman's Compensation Exemption is allowed in Florida Statutes; however Counties can be more stringent in their requirements. Attorney Parsons further stated that she would research the issue for the next meeting.

Mr. Henderson asked if staff requires Workman's Compensation Insurance on top of the Contractor's Exemption form.

Ms. Lucas stated that the officers in the Corporation are the only ones who can get an Exemption and the number of Exemptions allowed per Corporation is 3. Ms. Lucas further stated that if a contractor is the only one from his company who is allowed to pull a permit or schedule an inspection, then the Exemption is all that is required by the County; however, if the Exempt contractor, both of his Exempt officers and 5 other people are working at a jobsite, the other 5 people must be covered by Workman's Compensation insurance or the Contractor is in violation of the law. Ms. Lucas stated that when a Contractor has exempt status but has a crew working for him/her, and allows his employees to pull permits and schedule inspections, then staff will require that proof of current and valid Workman's Compensation insurance be provided along with the contractor's Exemption. Ms. Lucas further stated that staff will not sell a permit if a contractor's insurance information is not current. Ms. Lucas noted; however, that once a Contractor leaves the office with his permit, it is likely that the only County employees who will visit the site would be the Building Inspector and/or the Building Official and they don't typically check on Workman's Compensation coverage.

Mr. Henderson stated that he is aware that the County isn't responsible for enforcing Worker's Compensation law on jobsites, but wonders who does have the responsibility. Mr. Henderson stated that if a worker gets hurt on the jobsite, then someone is going to get sued and if the Worker's Compensation insurance isn't in place, then it's likely to be the homeowner.

Ms. Lucas stated that staff is very aware of the situation, noting that the policing of Workman's Compensation falls under the State Division of Financial Services. Ms. Lucas further stated that the handymen are a problem; however, once they get their business tax receipt it's up to staff at the State level who are supposed to verify that the information they provide is correct.

Mr. Gordon stated that in Panama City, they don't recognize Registered Roofers, and if you are a Registered Roofer you can't pull a roofing permit without a surety bond. Mr. Gordon further stated that one of the inspectors from Bay County, if he drives by and sees a crew working, will pull that company up on his computer, check the insurance status and if that contractor doesn't have Workman's Compensation insurance for the crew, that inspector will place a call immediately to the Division of Financial Services. Mr. Gordon stated that he believes that County inspectors could do the same if they just took a little more time, and that might solve some of the problems.

Mr. Miller stated that Code Enforcement does do policing for unpermitted/unlicensed work and they were even out working on a Saturday in the North end of the County, looking for weekend workers of that sort.

Mr. Henderson stated that he believes that there is a hotline # that can be called as well.

Mr. Kampert stated that several years ago staff worked with the Sheriff's Department, because they had officers out and about daily, and offered them access to our database if they would stop and check when they saw work going on and no permits visible; however, the Sheriff's Department was not and is not receptive to that idea. Mr. Kampert further

stated that Ms. Lisa Payton, Code Enforcement Supervisor, has given out her contact information and has made it known that she will go check out any such situations that are called in to her. Mr. Kampert stated that staff will be working on occasional, random Saturdays in the hopes of catching some of those folks who are working illegally.

Mr. Henderson asked if Code Enforcement could check on the status of Workmen's Compensation insurance at jobsites as well, similar to what Mr. Gordon said is done in Bay County.

Mr. Kampert stated that he doesn't believe that that initial call would be made by Code Enforcement but, rather, that should be done by the Building Inspectors; however, staff would have to have a legal review and training so they would know exactly what they can legally do. Mr. Kampert stated that staff would look at the issue and see what might be possible and what impact it might have.

Mr. Gordon stated that the Workman's Compensation investigators have been working very hard in Walton County and gave a couple of examples of the fines given to those who were caught without insurance for their crews.

Chairman Chesser stated that these people seem to forget that real people get caught in these issues and the general public needs to be aware that Workman's Compensation requirements are not arbitrary, but rather, in place to keep homeowners from being sued if someone is hurt on a job.

A brief discussion ensued.

Mr. Royster reminded staff that, several years ago, the permitting counter was closing at 4pm so that staff could have time to process paperwork and return phone calls. Mr. Royster asked what happened to that time to return phone calls.

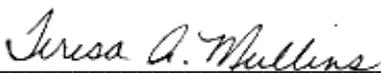
Mr. Kampert stated that the counter still closes at 4pm; however, there is now less staff to handle the same amount of traffic in terms of paperwork and phone calls.

Mr. Royster stated that the Department should be able to increase permitting fees so that more staff can be hired and existing staff can get an increase in pay which they haven't had in years.

A brief discussion ensued.

### **VIII. Adjournment**

There being no further business before the Board, Chairman Chesser declared the meeting adjourned.

Prepared by:   
Teresa Mullins, Recording Secretary  
6.1.2016