MINUTES ARE NOT VERBATIM

OKALOOSA COUNTY CONSTRUCTION COMPETENCY BOARD
MINUTES
September 28, 2016

The regular meeting of the Okaloosa County Construction Competency Board was held Wednesday, September 28, 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, Randy Wise, Mike Dean, Skip Miller, Skip Royster, Fay Seketa and Damian Curtis. Jason Buck and Jimmy Henderson were not present.

Growth Management staff in attendance were Elliot Kampert, Growth Management Director; Renée Lucas, License Specialist; Lisa Payton, Code Enforcement Supervisor; 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: July 27, 2016:

Motion to approve the minutes as written 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:

1. Levi C. Baril – Roofing Contractor

Mr. Levi Baril was present to address the Board.

Chairman Chesser asked Mr. Baril to tell the Board about his experience in roofing.

Mr. Baril stated that he got his experience working in Indiana for 5 years before joining the military. Mr. Baril further stated that for the first year he was basically doing repairs but moved on to roofing over the next 4 years.

Chairman Chesser asked Mr. Baril if he was still in the service.

Mr. Baril stated that he was still active duty, serving in the Army, stationed at Eglin Air Force Base with the Seventh Special Forces.

Chairman Chesser asked Mr. Baril to tell the Board about his plans for the future.

Mr. Baril stated that he plans to retire from the military in about 7 years, so for now he is just planning to use the license for weekend work as a side job until he retires. Mr. Baril further stated that he wants to get more deeply into the construction trade and plans to use the next 7 years to learn more and gain more experience.

Ms. Linda Flowers asked Mr. Baril if he was currently working with or for someone.

Mr. Baril stated that he is working with/for a Mr. Popejoy who is licensed in the State of Colorado. Mr. Baril stated that Mr. Popejoy works with him at Eglin AFB.

Chairman Chesser asked if Mr. Popejoy was working in this field in the local area.

Mr. Baril stated that Mr. Popejoy was working on his own rental properties.

Mr. Mike Dean asked Mr. Baril if there was any specific type of roofing that he wanted to get into.

Mr. Baril stated that he was just intending to do residential roofs, typically asphalt shingles or maybe metal because it would be best to start with the basics.

Chairman Chesser asked Mr. Baril if he has taken any classes in the construction field, and if not, if he intends to do so in the future.

Mr. Baril stated that he has not taken any construction classes recently but stated that he is already looking into those classes and does intend take some in the future.

A brief discussion ensued.

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

2. Lee Holland – Roofing Contractor

Ms. Renée Lucas informed the Board that Mr. Lee Holland, a State Certified Building Contractor, is appearing before them to seek approval for a State Registered Roofing license. Ms. Lucas stated that, according to Mr. Holland's credit report, there is an open Federal Tax Lien against him. Ms. Lucas further stated that, per a letter from Elray Enterprises, Inc., they are working with Mr. Holland and another agency concerning this tax lien. Ms. Lucas informed the Board that the letter stated that there were incorrect inconsistencies one previous tax returns; however, upon correction, there should be no monies owed by Mr. Holland. Ms. Lucas stated that, upon approval by the Board, and

successful passage of his exams, Mr. Holland will be required to provide supporting documentation concerning this lien to the State, such as a new credit report, if it has not been cleared up by the time he applies to the State. Ms. Lucas reminded the Board that, per Okaloosa County Ordinance 07-32, Section 3-3 Eligibility, (b) Licensure by Examination:

> *The applicant shall have no outstanding judgments or have been convicted of a felony. This requirement can be waived by the Board on a case by case basis with appropriate documentation.*

Mr. Holland was present to answer questions from the Board.

Mr. Skip Miller asked staff if Mr. Holland was currently working as a State Certified Building Contractor in Okaloosa County, and further, if staff have received any complaints regarding his work.

Ms. Lucas stated that Mr. Holland is working actively pulling permits with our department and staff have received no complaints regarding him or his work.

Chairman Chesser noted the letter written by Elray Enterprises, and asked Mr. Holland to explain how it was that he might not owe any money.

Mr. Holland stated that the letter was accurate and it might even end up that that the IRS owes him money. Mr. Holland further stated that it regards tax years 2001 and 2007, where, upon a request for documentation, a bookkeeper was found to have inconsistencies in the documentation provided. Mr. Holland stated that he has been told that the IRS might even owe him money due to the amount they have withheld and the inconsistencies found.

Chairman Chesser noted that the letter from Elray Enterprises shows no return address or other identifying information and asked Mr. Holland if he could tell the Board about them.

Mr. Holland stated that Elray Enterprises is an accounting firm in Crestview Florida.

Chairman Chesser noted that the letter was helpful, but asked Mr. Holland how much the IRS says that he owes them.

Mr. Holland stated that the funds the IRS says he owes are based on tax years 2001 and 2007; however, the IRS has withheld his refunds for the years 2008 to present and therefore may owe him money.

Chairman Chesser asked Mr. Holland if these were corporate returns or personal returns.

Mr. Holland stated that while he has an LLC, there are no judgments or liens on his business, the judgment is on his personal taxes.

Chairman Chesser noted that he would feel more comfortable knowing that this judgment is taken care of before Mr. Holland gets his license.

Attorney Kerry Parsons noted that the request to have the judgment resolved before approval for testing or licensure is within the Board's purview.

Mr. Skip Royster asked why Mr. Holland should have to appear before the Board again, if the report could be given directly to staff.

Motion to approve him for testing, that he will, within a reasonable amount of time after he gets the lien removed, take a copy a new credit report to staff before licensure made by Skip Miller; second by Fay Seketa; approved unanimously.

3. Scott D. Kearney – Building Contractor

Mr. Scott Kearney was present to answer questions from the Board.

Chairman Chesser asked Mr. Kearney to give the Board his background.

Mr. Kearney provided the Board with his age and stated that he has been doing construction for about 12 years. Mr. Kearney further stated before that prior to that he worked for Wise Equipment. Mr. Kearney stated that he has been doing construction for about 10-12 years working for Ronnie Watts handling all his rental properties, noting that he was also Mr. Watts' property manager. Mr. Kearney further stated that he did all of the property maintenance and remodeling work that doesn't require permits, such as patching drywall, roofs, siding, windows, etc., and hired licensed contractors to do any work requiring permits. Mr. Kearney stated that he build his first personal home of 5,400 square feet eleven years ago as well as assisting with a 1,700 square foot addition to his aunt's house. Mr. Kearney further stated that he is currently assisting in the building of his parents' house in Holt. Mr. Kearney stated that he has a business called "Scott Kearney Construction" that so he can do anything except jobs that require permits and he wants to move on to the next step and be able to pull permits himself. Mr. Kearney further stated that he would like to be able to also work in the cities, and he has a property in Fort Walton Beach which is commercial and he can't even clear the lot without having the appropriate license to do so.

Ms. Fay Seketa asked Mr. Kearney to describe the sort of work done when he is remodeling.

Mr. Kearney stated that he manages approximately 240 rental units for Mr. Watts, on a fairly large amount of acreage. Mr. Kearney further stated that he has done quite a bit of site preparation and is authorized to pull permits for both Greg Lollie and Randy King who are each licensed mobile home installers. Mr. Kearney stated that he repairs holes in walls, replaces toilets if necessary, paints walls, puts in new flooring and anything inside of the home that doesn't require a permit. Mr. Kearney further stated that he uses licensed contractors, naming several, when such work is required. Mr. Kearney stated that he also manages a 90,000 square foot shopping center and sometimes handles issues repair issues, such as cutting holes in walls, patching walls, replacing lighting fixtures and a lot of painting.

Mr. Damian Curtis asked Mr. Kearney if he was wanting to do both commercial and residential work.

Mr. Kearney stated that he wants to do residential work primarily, perhaps building 2 or 3 houses a year because he enjoys it; however, the commercial part is mostly due to the

shopping center and tenant build outs, which he would prefer to do himself instead of having to hire someone.

Motion to approve made by Mike Dean; second by Linda Flowers; approved unanimously.

4. Joey McDonald – Landscape Structures Contractor

Mr. Joey McDonald was present to answer questions from the Board.

At Chairman Chesser's request, Ms. Lucas read the definition of a Landscape Structures Contractor (local Specialty) into the record:

> *Landscape structure contractor (local specialty) means a person who is qualified and demonstrates the experience, skill and expertise to construct, install, repair, and extend structures for exterior site and yard use. This includes fencing, railings, gates, decking at grade (30 inches or below), boardwalks, utility structures (not to exceed 200 square feet), and other similar types of construction. Does not include garages or habitable structures.*

Mr. McDonald stated that he has been fencing with his current company for approximately 3 years. Mr. McDonald further stated that he had close to 120 miles of fencing experience; which includes off-grade, post driving, etc. Mr. McDonald stated that he has been a foreman since about a month after he started with the company. Mr. McDonald further stated that he has placed fencing from Holt to Escambia Bay as well as in Walton County. Mr. McDonald stated that he has also done some residential work and he really enjoys fencing and would like to keep doing so until he sells the company or passes away.

Mr. Miller asked Mr. McDonald if he was part of the crew that did the fencing along the I-10 interstate.

Mr. McDonald stated that he was.

Mr. Curtis asked Mr. McDonald who he was working for.

Mr. McDonald stated that he was working for John May of Father and Son Fencing.

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

5. Chad M. Vowels – Building Contractor

Ms. Lucas informed the Board that Mr. Vowels is present seeking the Board's approval to test for a State Registered Building Contractor's license. Ms. Lucas stated that, according to Mr. Vowels' credit report, there is an open judgment against him. Ms. Lucas further stated that, per a letter from Mr. Vowel, he was in a partnership with family and due to issues with the family and the partnership a lawsuit was filed. Ms. Lucas continued stating that, per the letter, a court found in favor of the other party and Mr. Vowels has been making payment to pay off the judgment. Ms. Lucas informed the Board that Mr. Vowels has paid $10,000.00 toward the judgment and will continue to make payments

until the judgment is resolved. . Ms. Lucas reminded the Board that, per Okaloosa County Ordinance 07-32, Section 3-3 Eligibility, (b) Licensure by Examination:

> *The applicant shall have no outstanding judgments or have been convicted of a felony. This requirement can be waived by the Board on a case by case basis with appropriate documentation.*

Mr. Chad Vowels was present to answer questions from the Board.

Chairman Chesser asked Mr. Vowels to provide the Board with information about his experience.

Mr. Vowels stated that he has worked in construction since he was 17 years old. Mr. Vowels further stated that he started his first business at 19, as a building contractor in the State of Washington. Mr. Vowels stated that he is currently running a remodeling business locally using, as qualifier, a General Contractor out of Kansas who is licensed nationwide.

Ms. Flowers asked Mr. Vowels how long it would take him to pay off the remainder of the judgment against him.

Mr. Vowels stated this is an issue with family, and they are not currently in contact with him. Mr. Vowels further stated that there is not a specific amount owed and he has no idea how to contact them. Mr. Vowels stated that there was a lawsuit against him filed by family that he was unaware of until he received a letter from a lawyer stating that intent. Mr. Vowels explained that he sent them a letter in response which stated that he wanted to handle the issue in court; however, he was apparently supposed to send that letter to the Court and before he was aware of it, the case was closed and a judgment placed on him. Mr. Vowels stated that it is family so he has been faithfully trying to pay it back.

Mr. Curtis asked for the remaining balance of the judgment.

Mr. Vowels stated that balance remaining on the judgment is approximately $12,000.00.

Mr. Curtis noted that Mr. Vowels has paid almost half of the total already and asked Mr. Vowels how he met the contractor from Kansas.

Mr. Vowels stated that he met the contractor when he was working in the State of Washington. Mr. Vowels further stated that he was hired to do the floors for him and then made him a superintendent. Mr. Vowels stated that he has traveled for that contractor for the past 10 years working for his company.

Mr. Curtis asked Mr. Vowels to describe the type of construction projects he worked on.

Mr. Vowels stated that they built a lot of fast food restaurants, such as Arby's, KFC, Pizza Huts, Carlos O'Kelly's and Rent-a-Centers, etc. Mr. Vowels further stated that they also built a hotel. Mr. Vowels further stated that he only works now when he is called and only in this area because he's tired of moving around.

Mr. Curtis asked who pulls permits for work in this area.

Mr. Vowels stated that he is authorized to pull permits here.

Chairman Chesser asked staff to explain how a nationally licensed contractor can have someone like Mr. Vowels pull permits in this area and elsewhere.
Ms. Lucas stated that, as included in Mr. Vowels' file, the contractor he worked for is licensed to work in the State of Florida, as well as being licensed to work in all other States. Ms. Lucas informed the Board that, although the contractor was licensed in Florida, because he was in another state, staff called him to confirm the applicants work history. Ms. Lucas stated that the contractor answered all questions put to him.

Chairman Chesser noted that the contractor's National license would have no bearing here.

Ms. Lucas stated that the contractor does not have a National license, he is licensed individually in each State and has met each State's licensing requirements. Ms. Lucas stated that she believes that contractor is a State Certified Building Contractor in the State of Florida.

Chairman Chesser asked for the name of the company.

Mr. Vowels stated that the company is named Kansas Coast to Coast Builders, Inc.

Mr. Curtis asked Mr. Vowels if he was allowed to pull permits for that company under Mr. Womacks' license.

Mr. Vowels replied that he was allowed to pull permits under Mr. Womacks' license.

Chairman Chesser asked Mr. Vowels to explain the sort of work that he has done for Mr. Womacks.

Mr. Vowels stated that site improvements such as remodeling old K-marts into restaurants. Mr. Vowels further stated that he was a job superintendent, responsible for hiring all of the sub-contractors, read blue-prints and is basically responsible for the whole job.

Chairman Chesser asked Mr. Vowels where the judgment was from.

Mr. Vowels stated that the judgment was from Washington State. Mr. Vowels further stated that he had, at one time, a business with his younger brother and it didn't work very well. Mr. Vowels stated that his younger brother was the one who sued him.

Mr. Curtis asked Mr. Vowels when he made his most recent payment toward the judgment.

Mr. Vowels stated that he believes it's been about a year. Mr. Vowels further stated that he has tried to find out from his brother but has not received an answer. Mr. Vowels stated that he was unaware that the judgment had appeared on his credit report until recently.

Ms. Seketa asked Mr. Vowels if he had tried to contact his brother's attorney.

Mr. Vowels replied that he doesn't know who his brother's attorney is. Mr. Vowels further stated that he is, at this point, unsure how to proceed, given that he has no contact with his family.

Chairman Chesser asked Mr. Vowels if he had an LLC or business name as yet. Mr. Vowels stated that he does have a corporation that he is affiliated with called All Service Construction. Mr. Vowels further stated that he is listed as Vice-President of the corporation.

Chairman Chesser asked if it was a local company that involved a local contractor licensed to work locally.

Mr. Vowels stated that currently they do handyman work under that company locally. Mr. Vowels further stated that the company is based in Alabama.

Chairman Chesser informed Mr. Vowels that the reason the Board is asking all these questions is because the law says he shouldn't be licensed as a contractor in the State of Florida due to the judgment on his credit report. Chairman Chesser further stated that the Board wants to make sure he has the background to succeed before they allow the exception for him.

Mr. Vowels stated that he understood. Mr. Vowels stated that his biggest problem is that even when he made payments to his brother he never received receipts, and although his bank statements show proof of payment, he believes his brother would have to notify the credit bureau that the judgment was paid. Mr. Vowels stated that he doesn't know that his brother would do that, if that is true or even how that whole process works.

Chairman Chesser suggested that Mr. Vowels seek the advice of an attorney to help him with his situation.

Ms. Lucas informed the Board that, in her experience with the State Licensing Board, if an applicant in this situation applies for licensure with the State and can show that he/she is working toward clearing up the issue, the State will give them their license; however, it is not uncommon for the State to put a licensee in that situation on probation until such time as the issue is resolved.

A brief discussion ensued.

Motion to approve him for testing; however he must return to the Board with an update on the judgment before approving him to seek licensure made by Damian Curtis; second by Linda Flowers; approved unanimously.

A brief discussion ensued.

c. Purged Contractor:

1. Nathan Jones – Nathan Jones Roofing Inc

Ms. Flowers recused herself from this agenda item due to a conflict of interest.

Ms. Lisa Payton reminded the Board that Mr. Jones appeared before the Board at which time the following motion was made:

Motion to table this request until the Code fine is paid made by Skip Royster; second by Jimmy Henderson; approved unanimously.

Ms. Payton informed the Board that Mr. Jones came in within days of that meeting and paid his fines for the unlicensed and unpermitted work citation. Ms. Payton reminded the Board of the case history, stating that staff received a complaint about Mr. Jones not finishing a job and upon researching the issue, staff found that Mr. Jones' Competency Card had expired in 2011. Ms. Payton stated that Code Enforcement staff then issued Mr. Jones a citation for unlicensed and unpermitted work. Ms. Payton further stated that Mr. Jones has paid his fine and resolved his issue with Code Enforcement.

A brief discussion ensued.

Ms. Lucas reminded the Board that Mr. Nathan Jones grandfathered in to Okaloosa County as a Roofing Contractor in August of 1991. Ms. Lucas noted that this was prior to the adoption of County Ordinance 00-12 which instituted the requirement for testing prior to licensure. Ms. Lucas stated that Mr. Jones remained licensed with the Growth Management Department until August 31, of 2011, and his Competency Card was purged on September 1, 2013 after 2 years of non-renewal/non-payment. Ms. Lucas informed the Board that, in a statement provided to staff, Mr. Jones stated that, due to the downturn in the economy after the oil spill business was very slow, and he became a full time employee of Horizon of Okaloosa County and the failure to renew his Competency Card was a major oversight on his part due to the fact that he was not as active in the industry as he had been. Ms. Lucas stated that staff researched and found that Mr. Jones' Roofing Contractor's license, #RC0063187, is current and active and will not expire until August 31, 2017. Ms. Lucas reminded the Board of the provisions of Okaloosa County Ordinance 07-32 Section 3-8(g) & Amended Ordinance 09-20, Section 6 (g) Expiration, Renewal and Retired Certificates:

The Board may give special consideration in purged license cases concerning family illness, military deployment, and other circumstances as the Board deems appropriate.

Ms. Lucas requested, should the Board choose to reinstate Mr. Jones' Competency Card, that all back fees and penalties, totaling $1,000.00, be paid and that a payment deadline be included as part of the Board's motion. Ms. Lucas further stated that Mr. Jones is present to answer the Board's questions.

Chairman Chesser asked Ms. Lucas if staff had discussed a payment plan with Mr. Jones.

Ms. Lucas stated that setting a payment deadline or allowing a payment plan is up to this Board and should be so stated within the Board's motion. Ms. Lucas noted that the Board has, in the past, commonly given purged applicants 30 days to pay their fines. Ms. Lucas stated that staff did supply Mr. Jones with information regarding those items that staff would require to reinstate his Competency Card.

Mr. Nathan Jones was present to answer questions from the Board.

The Board had no questions for Mr. Jones.

Motion to reinstate his Competency Card if his back fees are paid within 30 days made by Randy Wise; Second by Skip Miller; approved unanimously.
A brief discussion ensued.

VII. Other Business:

a. Discussion Concerning Construction Ordinance Changes

Mr. Elliot Kampert, Growth Management Director addressed the Board providing information regarding proposed changes to the County's Construction Industry Licensing Code as well as proposed changes to permitting fees.

Copies of the documents with the proposed changes clearly marked were provided to the Board by staff.

Mr. Kampert began with *Article VIII - Construction Industry Licensing Code; Division 1*, informing the Board, that it is being updated to correct minor errors, to meet State Law requirements and to amend or add definitions for some types of contractors in order to mirror the State definitions for those types of contractor licenses. Mr. Kampert went through the document pointing out the changes that have been proposed, beginning with *Sec. 6-263 Technical Codes*, stating that the old language was specific to versions that the County no longer uses; therefore, the proposed text to replace that language amends that problem and instead notes that construction of improvements under the County's jurisdiction shall be done as provided in *Sec. 6-135 of Article VI of Chapter 6 of the Okaloosa County Code of Ordinances*. Mr. Kampert continued with *Sec. 6.274 – Definitions*, noting that there were several minor scrivener's errors that will be corrected along with several definitions of contractors that will be updated to mirror the language provided in the Florida Administrative Code. Mr. Kampert read into the record those definitions that have a proposed change, which includes complete revision for Irrigation and Lawn Sprinkler Contractor (local specialty) and Marine Contractor (local specialty) definitions as well as additional language that is being added to the definitions for Plumbing Contractor and Roofing Contractor.

Chairman Chesser noted that the language in the definitions for Irrigation and Marine contractors appears different from what is currently in place and asked if the old language was going to be stricken and replaced.

Mr. Miller questioned the fact that the definitions refer to "a person" being defined as someone who is more than 22 years old.

Ms. Lucas stated that the Ordinance requires that any individual who appears before this Board seeking approval to test must be 22 years old or older.

Mr. Curtis asked staff what the State's age requirement is.

Ms. Lucas stated that applicants only have to be 18 to apply for a State Certified license; however, the County's requirement has been 22 years for a very long time; due to the reasoning that, at 18, a person is just graduating and has not had time to build the 4 to 6 years of experience and work history necessary to apply for licensure.

Mr. Kampert stated that staff would strike through the language being replaced. Mr. Kampert pointed out two scrivener's errors in *Section 6-314 - Eligibility; certification by reciprocity* that will be corrected. Mr. Kampert noted that there was a slight change to *Section 6-283- Violations; penalties – Persons certified or registered as contractors (m)* noting that adding the word "and" to keep the term negligence from being immediately followed by " negligence" separated only by a comma.

A brief discussion regarding negligence ensued.

Attorney Parsons noted that the language regarding negligence in this document mirror the language found in State Statute.

A brief discussion ensued.

Mr. Kampert noted that there is a proposed change to *Section 6-613 – Eligibility; licensure by examination,* which was requested by this Board and adds language as follows:

> *An applicant must provide information substantiating that he or she meets the requirements as relevant to the field for which a license is sought. In considering the experience information provided in an application, the Board shall only consider experience directly relevant to the field for which a license is sought.*

Mr. Kampert stated that staff has proposed completely removing *Section 6-315 - Eligibility; underground utility and excavation certification by grandfathering*, as this type of grandfathered license is no longer an available. Mr. Kampert further stated that there are proposed changes, in *Section 6-316 – Liability Insurance*, one of which was would affect all of the contractors who are licensed to work in Okaloosa County. Mr. Kampert stated that staff was aware that contractors were being charged increasingly expensive fees for adding the Growth Management Department as additional insured on their general liability insurance. Mr. Kampert further stated that senior staff contacted the Risk Management Department as well as the County Attorney's office and discovered that the only time the County must be named as additional insured in that fashion is when a contractor is working on a County funded project. Mr. Kampert stated that staff is proposing to remove the requirement that the Okaloosa County Department of Growth Management be named as additional insured on a contractor's general liability insurance in order to be able to pull permits. Mr. Kampert further stated that staff was proposing to add the words "and license number" to the statement that requires the type of license which is to be listed in the "declaration of operations" area of the general liability insurance certificate. Mr. Kampert stated that the final proposed changes in the County's Construction Industry Licensing Code are in *Section 6-319 - Fees*. Mr. Kampert began with *Application and testing fees,* and asked Ms. Lucas to explain the change.
Mr. Kampert explained to the Board that all applicants seeking approval to test for a license are charged a fee of $25.00 to cover staff's time in creating their file and processing their request and this fee is not proposed to change at this time. Mr. Kampert stated that the proposed change only regards contractors who have been purged and wish to appear before the Board seeking reinstatement of their Competency Card. Mr. Kampert further stated that the Board application fee for purged contractors in this situation is proposed to increase, as this Board requested, from the $25.00 fee currently charged to

$200.00. Mr. Kampert noted that another change is proposed for reciprocal letters, increasing the fee from $25.00 to $50.00 for each reciprocal letter to account for the time spent by staff in processing those requests. Mr. Kampert stated that some of the wording has changed under *Annual renewal and administrative fees (c) Late fees* clarifying the language and, in addition, reducing the grace period allowed after expiration before the late fee kicks in from 90 days to 30 days. Mr. Kampert moved on to *(e) State certified administrative fee* noting that the language proposed will only apply to those who hold certified licenses for liquid petroleum, issued by the State Fire Marshall and as Mobile Home Installers, as allowed by State law.

Chairman Chesser asked what the process will be going forward once all this information has been presented to this Board.

Mr. Kampert stated that once the documents go through further review, they will be presented to the Board of County Commissioners for adoption.

Chairman Chesser addressed the Board asking if the members would like more time to look the documents over in case there are more changes that they feel need to be made.

A brief discussion ensued.

Ms. Seketa noted that these changes encompass the changes already asked for by this Board.

Chairman Chesser asked Mr. Kampert if staff wanted the Board to take some additional time to look over the documents to see if there are any further changes needed.

Mr. Kampert stated that the 4 changes requested by this Board and vetted by the County Attorney have been included, and staff is comfortable with the document as presented to the Board. Mr. Kampert concluded that the final proposed change regards the fee for staff assistance with the State license package, which, if approved, will increase from $35.00 to $50.00.

Ms. Lucas stated that she wanted to make sure the Board understands what is meant by staff assisting with State license packages. Ms. Lucas informed the Board that when an applicant is ready to submit their document package to the Department of Business and Professional Regulation, they have the option to request that staff help make sure they have everything they need. Ms. Lucas stated that staff will go through their application packet to make sure everything that is required is present, will make copies if necessary and otherwise do anything necessary to make sure that applicant's packet is complete. Ms. Lucas noted that staff's assistance is not mandatory, and is only given at the request of an applicant. Ms. Lucas stated that those applicants requesting assistance are told about the fee involved. Ms. Lucas further stated that she also helps contractors who already hold a license who request assistance with checking application packets for change of status, and with this proposed change, all those who receive staff assistance in dealing with the State in this fashion will now be charged a fee. Ms. Lucas stated that staff is pleased with the proposed change as it more adequately covers the costs for the copies that are made and the time that is required by staff to assist in this fashion.

Ms. Seketa asked how heavy the workload is for staff.

Ms. Lucas stated that, once an applicant passes his/her required exams, staff emails the applicant to notify him/her of the results and writes a letter to the applicant detailing everything they will need to provide to the State. Ms. Lucas further stated that, within the body of that letter, the applicant is also notified that staff will assist for a specific fee. Ms. Lucas noted that going through the State application packets takes at least an hour of staff time to go thru, whether they are for new applicants, change of status applicants, those wanting to qualify a new or another company, etc., and other staff members have to cover for those who are busy with these applications.

Mr. Skip Royster noted that he has been an advocate for these increases for a long time as he didn't think the Department was adequately reimbursed for staff's time and effort.

Chairman Chesser asked how many license types are offered by the Department.

Ms. Lucas stated that, to the best of her knowledge, there are over 20 license types that staff deal with.

Mr. Royster asked Mr. Kampert when these changes will go before the Board of County Commissioners for approval.

Mr. Kampert stated that these changes will have to go through another internal staff review before being presented to the Board of County Commissioners, hopefully in November.

Mr. Kampert moved on to the proposed changes within *Section 6-134 – Building permits and fees.* Mr. Kampert informed the Board that the last time permit fees were increased was back in 2010, stating that at this point in time the fees charged are barely covering the cost of the Department to operate. Mr. Kampert stated that one of our inspectors was injured and will not likely return until late October or November and the intent is that increasing the fees will allow more staff to be hired to help with the workload. Mr. Kampert noted that the first proposed change is a $10.00 increase in the base permit fee, which basically pays for inspections, increasing the base fee from $60.00 to $70.00. Mr. Kampert stated that the next proposed change updates the Square Foot Construction Costs valuation table from June 2010 values to February 2016 values from the International Code of Standards, so that the permit fees more accurately reflect actual costs.

Chairman Chesser asked if there was really a need for so many categories, noting that the whole table encompasses approximately 3 pages.

Mr. Kampert stated that the Department has always incorporated the whole table, and projects do come in which require information on costs from that table that aren't frequently used; therefore, staff believes it best to continue to incorporate the whole cost table.

A brief discussion ensued.

Mr. Kampert stated that the next proposed change, to Mechanical permit fees and how they are calculated, came about due to complaints from contractors over the requirement that they submit a contract showing the cost of the system in order to get a permit. Mr. Kampert further stated that staff went through a hundred recent mechanical permits and

found that using 5 tons as the upper limit for the lower fee would catch 80%-85% of the submitted permits. Mr. Kampert stated that the proposed fee for a 5 ton or less system would be $50.00 plus the base fee of $70.00, which will probably be slightly less costly for some and slightly more costly for others. Mr. Kampert further stated that mechanical systems over 5 tons would have a cost $50.00 with an additional $10.00 for every ton or portion thereof that is over 5 tons, plus the base fee of $70.00. Mr. Kampert stated that making this change will release the contractors from having to submit their contract, which then becomes a part of the public record. Mr. Kampert stated that the next proposed increase is for irrigation and lawn sprinkler permits, with a proposed $5.00 increase from $15.00 to $20.00 plus a base fee. Mr. Kampert further stated that the plan review fee for review of commercial resubmittal or addendum plans is proposed to increase from $60.00 to $75.00. Mr. Kampert stated that there are some contractors who tend to use the department's inspectors as their quality control method. Mr. Kampert further stated, that with that problem in mind, staff have proposed a first re-inspection fee of $50.00 (an increase of $15.00), a second re-inspection fee of $100.00 and a third and following re-inspection fee of $150.00 in hopes that the change will dissuade contractors from using inspectors for their quality control method.

Ms. Seketa asked if staff has considered whether pictures would be acceptable in lieu of having to send out an inspector, especially in the case of second and third re-inspections.

Mr. Kampert stated that staff is aware that Santa Rosa County is allowing photographs in that fashion but his first reaction is to require that GPS coordinates appear on each picture to prevent some contractors from reusing the same pictures for multiple jobs. Mr. Kampert stated that pictures are used along with an affidavit so that only 1 roof inspection (the final inspection) has to be done by a building inspector on site.

Ms. Seketa stated that her company just picked up their first set of electronic signed & sealed final plans digitally signed by Santa Rosa County and suggested that might be something that could be done here as well.

Mr. Kampert stated that, as he understands it, Santa Rosa County requires that all submittals be electronic as well. Mr. Kampert further stated that the software system currently used is not currently capable of dealing with electronic plans. Mr. Kampert stated in order to handle electronic plans, Department would have to pay to get that done, which would likely, in the long run, be much cheaper that buying a whole new software system. Mr. Kampert informed the Board that the Department is working to improve; therefore, there are 2 inspectors who have been beta testing the usage of smart phones, which allow them to speak their comments into the phone, and then upload those comments as text along with the inspection results into Eden. Mr. Kampert stated that the testing has gone extremely well and smart phones are now on order for the rest of the inspectors. Mr. Kampert informed the Board that one of the problems that the IS staff are working on with the Database originator is that inspectors must now spend an hour or so going through the inspections and assigning those inspection to themselves through the software. Mr. Kampert stated that IS staff is working with the database folks, at a cost of approximately $4,000.00, to change the software so that inspector can assign the inspection when they're at the site, and the permit techs will be able to go in a make a change in the event a client calls to cancel an inspection so that the cancellation would be sent out in real time. Mr. Kampert further stated that the upgrade to the software is

supposed to be up and working by the end of the first week of October per the software development company.

Mr. Kampert continued, informing the Board that the next proposed change is an increase in the fax fee from $10.00 to $25.00. Mr. Kampert stated that the fax fee is supposed to cover staff time; however, it doesn't take into account all of the people or time involved. Mr. Kampert further stated that, beyond the person who takes in the fax and processes the request, there is also the staff time involved in handling the billing and receipt of payments which involves 3 or more staff members. Mr. Kampert stated that staff is intending to get rid of the fax program eventually if online permitting becomes available. Mr. Kampert further stated that Information Services (IS) is working on making online permitting available; however, online permitting would be limited to licensed contractors only and only for those permits that can be handled by the fax program. Mr. Kampert gave a brief description of what the web permitting process would look like. Mr. Kampert stated that the fee for online permitting will only be the fee for the permit along with any minor costs charged for paying with a credit or debit card. Mr. Kampert continued on stating that, when power has been turned off for a long period of time, staff has been doing power service courtesy inspections as required by the power companies at no cost so that the power can be turned back on. Mr. Kampert further stated that there is no permit required for these inspections, and essentially the cost of sending an inspector out to provide this courtesy service has been subsidized by all of those who pull permits. Mr. Kampert stated that staff is proposing a $50.00 fee for power service courtesy inspections to cover the cost of the inspector going out to do the inspection. Mr. Kampert further stated that the final proposed increase involves temporary certificates of occupancy (TCO). Mr. Kampert stated that no fee has been charged for issuing TCOs in the past despite the number of staff and the amount of staff time involved in processing those requests; therefore; staff is proposing a fee of $150.00 to issue a TCO with an additional required fee of $150.00 to extend a TCO if necessary.

Chairman Chesser why staff issues TCOs.

Mr. Kampert stated that TCO are typically requested by commercial projects, such as restaurants, office buildings and stores that want to stock their shelves and/or train their staff prior to opening, which typically happens as soon as the final Certificate of Occupancy (CO) is issued.

Chairman Chesser asked what would happen if a TCO expired before the final Certificate of Occupancy is issued.

Mr. Royster stated that the electric company will turn the power off. Mr. Royster further stated that this change pays for staff time and gives staff the ability to call the power company, in the event that a TCO expires, a CO isn't issued or the fee isn't paid, and have the power turned off.

Chairman Chesser noted that he did not see any language in the fees document that will allow staff to call the power company in such a situation.

Mr. Royster stated that the warning about notifying the power company is written in the paperwork that a contractor has to sign in order to get a TCO. Mr. Royster reiterated that

this proposed change is just a fee that pays for staff time involved in gathering the information and documentation needed to issue a TCO.

Mr. Miller asked staff, referencing the existing fee for weekend and after hour inspections, how often they receive requests for weekend inspections.

Mr. Kampert stated that those types of inspections come into play with certain large projects, primarily commercial, where the contractor is on a strict timeline, and they actually happen fairly often.

Chairman Chesser asked what happens with a multilevel project, such as a condominium, wondering if a Certificate of Occupancy is issued for each floor.

Mr. Kampert stated that often inspections such as plumbing "rough ins" are scheduled in those types of projects on a floor by floor basis once the main structure is complete; however, the only instance where something like that would happen is in a situation wherein a condominium is being refurbished and Certificates of Completion are issued unit by unit as the remodeling of each unit is completed.

Chairman Chesser stated that the only reason he is bringing the subject up is that perhaps that is a case where another fee can be included; in cases where a Certificate of Occupancy is issued floor by floor, or perhaps were a Certificate of Occupancy is issued for the common area separate from the main structure.

Mr. Kampert stated that there was a situation wherein Certificates of Occupancy were issued building by building on a multiple building site, specifically a multi-building apartment complex with a separate recreation center. Mr. Kampert stated that this change will allow that fee to be charged in those cases; however, he will still check with legal staff to make sure that is so.

Mr. Kampert continued noting that language has been added to reflect that surcharges, such as those required by the State for radon as well as those fees charged by the credit card companies for using credit and debit cards, will be passed on to those buying such permits or using those forms of payment; noting that this is allowed by State Statute but that those charges passed on will not exceed the actual surcharge amount for each transaction. Mr. Kampert moved on to the final proposed change, informing the Board that there are several programs available for wounded warriors which have been approved by the State which would allow staff to waive permitting fees for changes that are done for the purposes of accessibility. Mr. Kampert further stated that this change came out of a situation wherein staff were approached by such an approved group, on behalf of a soldier who had been badly injured by an IED in Iraq who was seeking to build a house, staff researched the issue and waived the permitting fees. Mr. Kampert stated that later, during an audit by the Institution of Senior Professionals (ISP) who noticed that the fees were waived and asked why. Mr. Kampert stated that staff showed the ISP auditors the State Statute; however, the auditors noted that the allowance for such action did not appear anywhere in the Okaloosa County Code. Mr. Kampert further stated that, in order to make sure there are no further issues, staff has included proposed language that references *Section 295.16 Florida Statutes* which allows the Building Official to waive all or part of the required fees for applications submitted on behalf of disabled veterans by private, non-profit charitable organizations when the application is intended to provide handicapped

accessible housing for disabled veterans. Mr. Kampert stated that staff doesn't anticipate that these sorts of requests will come in very often.

Chairman Chesser asked Mr. Kampert to divulge who else has seen these documents.

Mr. Kampert stated that these documents have been presented to this Board as well as the Plumbing and Mechanical Boards which met in the morning. Mr. Kampert further stated that the documents were also sent to the President of the local Building Industry Association (BIA) who will likely be sending it out to all of the membership.

Mr. Miller stated that there is an inspection type called a "Stop-By" and suggested that perhaps staff should to set a specific fee for a Stop-By inspections similar to the re-inspection fees.

Mr. Kampert stated that staff will have to look at the fee structure to see how best to capture that cost.

Chairman Chesser asked if staff needed an endorsement or motion from this Board regarding these proposed changes.

Mr. Kampert stated that staff wants the BIA's input on these changes. Mr. Kampert further stated that per *Chapter 420, Florida Statutes,* because the County participates in the State Housing Incentive Partnership (SHIP) program, the primary affordable housing program in that we have for which we receive funds from the State; these proposed changed have to be presented to the Affordable Housing Advisory Committee (AHAC) for their input on how it may affect affordable housing costs and for approval. Mr. Kampert further stated that he had staff price out the changes to the permit cost if these changes are approved, and found that for a typical 2.000 to 2,100 square foot single family home the permit fee would increase by approximately $170.00 to $180.00 for the permit application fees. Mr. Kampert stated that the Community Development Corporation (CDC) is grant funded and the grant funds can be used for permit fees, therefore, those increases shouldn't affect them in their quest to provide affordable housing. Mr. Kampert further stated that Habitat for Humanity appealed to the Board of County Commissioners in 2006 and was granted a waiver from having to pay permit fees. Mr. Kampert stated that staff believes that these increased fees won't affect affordable housing detrimentally.

Chairman Chesser asked Mr. Kampert if staff needed the Board to approve these changes or recommend approval to the Board of County Commissioners.

Mr. Kampert stated that he would like to bring the proposals back to this Board after the BIA has had a chance to make their comments or change requests and staff has had an opportunity to go through these documents again. Mr. Kampert stated that staff would appreciate this Board's recommendation for approval when the proposed changes are brought back in front of them. Mr. Kampert further stated that this Board will be updated regarding the comments from both the Affordable Housing committee and the BIA at their next meeting and staff would appreciate this Board's approval of a recommendation to the Board of County Commissioners at that time.

Mr. Curtis asked what the additional money was going to be used for.

Mr. Kampert stated that the Permitting and Inspections division is an Enterprise Fund, which means that all of the funds gained by this increase will remain with that division within the Department of Growth Management. Mr. Kampert further stated that the Board of County Commissioners have authorized the Department to hire several new staff members, including one additional permit tech, a new permitting administrative assistant to handle the phones, a new inspector and an inspector/plans examiner. Mr. Kampert stated that these new positions will likely be paid for by this increase along with technical updates to the software that we use.

Ms. Seketa asked if staff has an idea what the projected total increase to the Enterprise Fund will be due to these proposed fee increases.

Mr. Kampert stated that the proposed increase looks to be about $200,000.00, noting again that all of these additional funds will remain in the Enterprise Fund and cannot be used for anything like paving roads or other County functions.

The Board thanked Mr. Kampert for his presentation.

A brief discussion ensued.

a. **Discussion of Affidavits**

Ms. Lucas provided the Board with copies of various affidavits that must be provided by applicants in their application packets.

Ms. Lucas began with the Building Contractors experience affidavit, stating that staff has added language, as requested by the Board, regarding misrepresentation of information and falsification of documentation. Ms. Lucas asked Attorney Parsons to comment on this language.

Attorney Parsons stated that, in the middle of the page, language was added referring to State Statute and providing the penalties for providing misleading or false information and forgery. Attorney Parsons further stated that another small change at the signature line adds the language stating, after the statement that the information they are providing is true and correct, that they are not knowingly providing false information.

Ms. Lucas further stated that nothing else has been changed on the first page.

Mr. Curtis suggested that that added language should be highlighted.

Buddy Gordon left the meeting in progress due to a conflicting appointment. Quorum was unaffected.

Ms. Lucas stated that, on the top, center of the last 2 pages staff added the words “Must be Legible”. Ms. Lucas further stated that the 2 year experience affidavit, regarding Exterior Applications has caused a problem. Ms. Lucas informed Siding, Windows and Doors are tested and licensed together in a group and cannot be separately licensed. Ms. Lucas further informed the Board that Stucco, Masonry, Hurricane Shutters and Garage Doors can be both tested and licensed separately. Ms. Lucas noted that an applicant who applies for and passes the required tests to install garage doors will be issued an Exterior Applications license that is limited to Garage Doors only. Ms. Lucas further stated that

that applicant, so licensed, will not be able to pull permits or schedule inspections for anything other than garage doors. Ms. Lucas stated that the same procedure will apply the same way to applicants who apply solely to do stucco, to install hurricane shutters or to do Masonry. Ms. Lucas further stated that an applicant who wishes to be licensed for all of the facets allowed in Exterior Applications will have to provide experience in all facets and will be tested in all facets.

Mr. Curtis noted that it is a 2 year experience affidavit and asked what sort of experience that the applicant has to show over that 2 year period.

Ms. Lucas stated that the experience affidavit must be signed by a licensed contractor with direct knowledge of the applicants work and experience. Ms. Lucas further stated that there are situations, such as the death of a contractor whose employee is now seeking licensure, or, perhaps, a worker whose contractor employer isn't willing to sign for one reason or another but the contractor who hired the applicant's company or is willing to sign because he is knowledgeable about the applicant's experience or has worked with the applicant. Ms. Lucas continued the second page of the 2 year experience affidavit is a work history wherein the applicant must document who they worked for, how long they worked and exactly what type of work experience that they have.

Mr. Curtis asked if one licensed contractor can sign off on all of the experience that might be listed by an applicant for an all-inclusive Exterior Applications License.

Ms. Lucas stated that the contractor signing off for an all-inclusive Exterior Applications applicant would have to be an Exterior Applications contractor (all-inclusive), a licensed Residential, Building or General contractor or a licensed Building Official. Ms. Lucas stated that staff checks the applications very carefully.

Mr. Curtis stated that he would like to see the wording about misleading and falsifying information highlighted so that it stands out.

Ms. Lucas stated that she will be easily to make that change.

Mr. Chesser asked if it would easier if all of the facets under Exterior were licensed separately.

Ms. Lucas stated that it would not be easier for staff.

Mr. Kampert stated that if staff tried to narrow the categories down it would likely cause a great deal of trouble with people doing work for which they really don't have experience or expertise. Mr. Kampert further stated that this is also an issue in other jurisdictions in cases like these regarding local specialty licenses. Mr. Kampert stated that these local specialties were often created to allow the licensing of those who are very skilled and knowledgeable about only one facet of the construction business. Mr. Kampert stated that it could be dangerous to consumers to narrow the list of available local specialties down to a few very broad categories.

Chairman Chesser noted that the Exterior Applications license already has that problem given the number of specialties grouped under that title. Chairman Chesser stated that a contractor with an Exterior Applications license who specializes in masonry work

wouldn't necessarily know how to do stucco, which is also allowed under the Exterior Applications license, noting that those types of work are very different.

Mr. Kampert agreed, but stated that there is one license, that being Exterior Applications which can be limited to only stucco, or only masonry, etc. and staff is content with situation as it currently is.

A brief discussion ensued.

Motion to approve made by Skip Royster; Second by Linda Flowers; approved unanimously.

Mr. Curtis asked staff to help him clarify his understanding regarding aiding and abetting.

Ms. Lucas stated that when Division 1 contractors (Residential, Building and General Contractors) are hired to build a structure, they can hire others to do any work that is allowed within the scope of their license; however, hiring someone who is unlicensed to do the electrical work is not allowed because electrical work is not within the scope of work for a Division 1 contractor.

Mr. Curtis stated that perhaps he describe the situation in asking the question and offered an example:

> *John Doe comes to Mr. Curtis and tell him he has contracted to build his friend a house, but John Doe isn't licensed, so he asks Mr. Curtis if he will pull the permit for him, saying that he will pay Mr. Curtis $1,000.00 to do that so that he can build that friend a house. Mr. Curtis buys and permit and John Doe builds the house.*

Ms. Lucas stated that the situation described would be illegal.

Mr. Royster noted that in that situation, if licensed contractor did pull the permit, it would be the license holder who is breaking the law and facing punishment.

Mr. Curtis stated that he thought both parties should be punished as both are guilty.

Mr. Miller noted that, if that house in the example sells in a couple of years and there are problems, whoever is buying/selling the house will look back at Mr. Curtis because he was the one who bought the permit.

Mr. Curtis stated that he is frustrated with the people who appear before this Board saying that they have experience in remodeling but they didn't "need to pull a permit" for work which may well require one.

Ms. Lucas stated that she is very careful in dealing with handymen and those who seek licensure for framing.

A brief discussion ensued.

Chairman Chesser asked staff to make sure that the official record for the last motion made was called for by the Chairman, made and seconded appropriately and was approved unanimously.

VIII. **Adjournment**

Motion to adjourn made by Fay Seketa; Second by Damian Curtis; approved unanimously.

Prepared by: Teresa A. Mullins

Teresa Mullins, Recording Secretary
10.20.2016