

FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD

**Hilton St. Augustine Historic Bayfront
32 Avenida Menendez
St. Augustine, FL 32084
904.829.2277**

July 10 - 12, 2013

**MEETING MINUTES
Approved 9/13/2013**

Board Members Present

Robert Moody, Chair
James Evetts
Roy Lenois
Jacqueline Watts
Albert Korelishn
Paul Del Vecchio
Mary Layton
Edward Weller
Aaron Boyette
Michelle Kane
Christopher Cobb
William Sheehan

Board Members Absent

Kristin Beall
Carl Engelmeier
Richard Kane
Brian Cathey, Vice Chair
Mark Pietanza

Others Present

GW Harrell, Director of Professions, DBPR
Amanda Wynn, Government Analyst, DBPR
David Spingler, Government Analyst, DBPR
Tom Barnhart, Legal Advisor, AGO
Kyle Christopher, Prosecuting Attorney, DBPR

ADDITIONAL BUSINESS ENTITIES REVIEW

Division I board members met for Additional Business Entities Review on July 10, 2013 from 2:01 – 3:57 pm. Mr. Boyette led the meeting. Of the 42 applications scheduled for review, 13 were approved, 2 were contingently approved, 5 were denied, 13 were continued, and 9 were withdrawn.

APPROVED (13)

Abram, Mark
Birkner, Joseph
Carter, James
Conroy, James
Holderith, Harold
Llorens, Carmen
Mathews, Robert
Moore, Jo
Persaud, Rabindranauth
Pinet, Paul
Pizor, William
Weston, John
Young, Michael

CONTINGENT APPROVALS (2)

Busman, Phillip – *Contingent upon submitting proof of W2 employment*
Nash, John – *Contingent upon submitting proof of W2 employment*

DENIED (5)

Becerra, Joseph
Black, Orin
Bryant, Tatchi
Lipscomb, Robert
Vadala, John

CONTINUED (13)

Abate, Paul – 30 days
Al-Soufi, Maher – 30 days
Balakrishnan, Vinayagar – 30 days
Caddell, John – 30 days
Foster, Stephen – 90 days
Gross, Bradley – 60 days
Hall, Stephen – 30 days
Holder, Michael – 30 days
Hummel, Joseph – 30 days
Simon, John – 30 days
Vaughn, Sammy – 60 days
Wilson, Patrick – 30 days
Woodley, Richard – 30 days

WITHDRAWN (9)

Daluise, Blaise (Veterans Medical Construction Corporation)
Daluise, Blaise (Phoenix Medical Construction S.E., Inc.)
Duggan, Ryan
Emerick, James
Garcia, Eduardo
Meyer, Layne
Piazza, Anne-Marie
Stapleton, W.D.
Valdes, Rafael

Division II Board members met for Additional Business Entities Review on July 11, 2013, from 1:45 – 2:44 pm. Mr. Cobb led the meeting. Of the 15 applications scheduled for review, 4 were approved, 3 were contingently approved, 4 were continued, 4 were denied, and 2 were withdrawn.

APPROVED (4)

Carter, James
Juha, Justin
Myers, Ralph
Persaud, Rabindranauth

CONTINGENT APPROVALS (3)

Abram, Mark – *Contingent upon Jason Seibert being issued an FRO license*
Ayers, Thomas – *Contingent upon submitting proof of W2 employment*
Jennings, Russel – *Contingent upon submitting proof of W2 employment, and submission of a letter indicating the applicant will supervise the A/C work*

CONTINUED (4)

Balakrishnan, Vinayagar – 30 days
Khanna, Christopher – 30 days
Lee, Ronald – 60 days
Saez, Joseph – 60 days

DENIED (2)

Arias, Teddy
Greaves, Jonathan

WITHDRAWN (2)

Koutz, David
Rodriguez, Erick

APPLICATION REVIEW

Division I Board members met for Application Review on July 10, 2013 from 4:05 – 5:30 pm. Mr. Evetts led the meeting. Of the 31 applications scheduled for review, 6 were approved, 2 were contingently approved, 9 were continued, 9 were denied, 4 were withdrawn, and 1 was pulled.

APPROVED (6)

Chudeusz, Kyle
Dean, Jeremy
Kilpatrick, Kenneth
Murray, Joe
Pickering, Todd
Powers, John

CONTINGENT APPROVALS (2)

Hoffman, Stephen – *Contingent upon submitting proof of W2 employment*
Livesay, Evan – *Contingent upon submitting permits showing proof of experience*

CONTINUED (9)

Abate, Paul – 30 days
Bolton, Bradley – 30 days
Davis, Christopher – 30 days
Eskelson, Brian – 30 days
Henke, Larry – 60 days
Holder, Michael – 30 days
Levandoski, John – 30 days
Simon, John – 30 days
Woodley, Richard – 30 days

DENIED (9)

Bostic, Robert
Campbell, Renee
Eckhoff, Philip
Garber, Larry
Gerspacher, Thomas
Hersey, Richard
Higgins, Patrick
Maclin, Stanley
Wellet, Gregory

WITHDRAWN (4)

Dufault, Daniel
Jorgensen, Ion
Klein, Debra
Porter, Denise

PULLED (1)

White, Dane

Division II Board members met for Application Review on July 11, 2013 from 3:01 – 4:55 pm. Ms. Watts led the meeting. Of the 32 applications scheduled for review, 15 were approved, 3 were continued, 7 were denied, 6 were withdrawn, and 1 was pulled.

APPROVED (15)

Allen, Bennie
Aurand, Corey
Awad, Zahir
Carpenter, Scott
Cropp, Bruce
Doggett, Anthony
Flaim, Mark
Geile, Torey
Humbertson, Jason
King, Jason
Marshall, Richard
Rubio, Ramiro
Say, Clifton
Wynn, Jordan
Zuccolillo, Joseph

CONTINUED (3)

Benson, Jason – 60 days
Hynes, Richard – 30 days
Shoupe, Cameron – 30 days

DENIED (7)

Ale, Bader
Demonia, Donald
Friga, Derrick
Lebron, Melissa
Sharpless, Daniel
Turner, Dennis
Wright, Christopher

WITHDRAWN (6)

Benson, Craig
Canino, Ivan
Gilliland, John
Maddux, Brian
Mehaffey, Timothy
Powers, Mark

PULLED (1)

Castillo, Ernesto

Division I voted unanimously to ratify the list of financially responsible officer applications.

Division II voted unanimously to ratify the list of financially responsible officer applications.

PROBATION

Division I Board Members convened for Probation on July 11, 2013 from 10:17 – 11:09 pm. Mr. Kane led the meeting.

Steven Allen, CGC1521189

Result: Satisfactory

Jason Asbury, CGC1511019

Result: Unsatisfactory

Brian Burns, CGC020464

Result: Unsatisfactory

Viler Cherisol, CGC1509941

Result: Continuance granted

Chadwyck Clark, CBC1257934

Result: Satisfactory

Eric Dekin, CBC1257037

Result: License suspended prior to probation appearance

Joel Davis, CGC1519612

Result: Satisfactory

Jorge Garcia, CGC1520275

Result: Removed from probation prior to appearance

Gregory Gover, CBC1259071

Result: Satisfactory

David Grande, CGC035899

Result: Unsatisfactory

Samuel Gray, CBC1257234

Result: Stay of Suspension Lifted

Neyza Guzman, CBC1255705

Result: Continuance granted

Ronnie Higgins, CBC1258203

Result: Unsatisfactory

Charles King, CBC1257841

Result: Stay of Suspension Lifted

Jason McKendry, CRC1330395

Result: Satisfactory

Kevin Morris, CGC1504217

Result: Stay of Suspension lifted

John O'Toole, CBC1258829

Result: Satisfactory

Hector Obregon, CGC041565

Result: Satisfactory

Mark Orman, CGC1506674

Result: Satisfactory

Miguel Perez, CGC1517294

Result: Satisfactory

William Poole, CGC1518449

Result: Satisfactory

Darrell Richardson, CGC1506313

Result: Stay of suspension lifted

Loren Spies, CGC009176

Result: Satisfactory

Marshall Stark, RB0053106

Result: Satisfactory

Michael Thomas, CGC1519751

Result: Satisfactory

Marlowe Walker, CGC1515787

Result: Stay of suspension lifted

Division II Board Members convened for Probation on July 11, 2013 from 1:01 – 1:18 pm. Mr. Korelishn led the meeting.

Jesus Amoro, CAC1814250

Result: Satisfactory

Rickey Cason, CCC1329740

Result: Satisfactory

Viler Cherisol, CCC1327330

Result: Continuance granted

Frank Delgado, CCC1329758

Result: Stay of Suspension lifted

Melvin Gideon, CPC1458148

Result: Satisfactory

Benjamin Hartwick, CAC1816206

Result: Satisfactory

Zachary Pease, CFC1428164

Result: Satisfactory

Daniel Petro, CFC058047

Result: Removed from probation prior to probation appearance

Brad Taylor, SCC131151232

Result: Stay of Suspension lifted

Steven Weiss, CCC053887

Result: Stay of Suspension lifted

Leroy Wilkerson, RF11067527

Result: Satisfactory

Adrian Williams, RA13067475

Result: Stay of Suspension lifted

GENERAL SESSION

The meeting was called to order by Robert Moody, Chair, at 9:42 am. Mr. Boyette gave the Invocation. Mr. Korelishn led the Pledge of Allegiance.

REVIEW OF MINUTES

The board voted unanimously to approve the following minutes:

- June 2013 Meeting Minutes

EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL

Mr. Harrell gave the following report:

Mr. Harrell requested the Board excuse the following absences:

Mr. Pietanza
Mr. Engelmeier
Mr. Kane
Ms. Beall
Mr. Cathey

The board voted unanimously to excuse the above absences.

Mr. Harrell distributed the Monthly Board Report which provides the monthly complaint and investigation numbers.

Mr. Harrell also thanked the Board for having him back for this meeting, and commended the Board members for their participation and passion for the industry, and for their dedication to licensees and the public.

Mr. Harrell commended Mr. Winters on the job he does for the Board and his job as Executive Director.

Mr. Harrell further commended the Board on their accomplishments so far, and reminded them to not lose sight of those accomplishments when new issues arise. Mr. Harrell stated the Board did a fantastic job of addressing the financial stability and responsibility with Rule development. Mr. Harrell stated that experience issues with the applications are continuing to be worked on, and that it is his opinion that the unlicensed activity issues presented during the Ad Hoc meeting are primarily a communication issue between the Department and the Board. Mr. Harrell stated the Department has not given its best effort in informing the Board of steps taken to combat unlicensed contracting, and this will change in the future.

Mr. Harrell then introduced Jerry Wilson, Director of the Division of Regulation (“Regulation”), and his local Regional Program Administration, Sandra Rentfrow, to give a presentation on his Division of Regulation’s efforts to reduce unlicensed activity. Mr. Wilson thanked the Board for having them, and Mr. Wilson stated that it has been a while since he’s addressed the Board, and that he plans to do it more often in the future. Mr. Wilson gave a brief overview of his Division in general and provided a handout to the Board members. Mr. Wilson explained that his Division handles all complaints and investigations for the Division of Professions, encompassing about 20 different Boards ranging from veterinarians to cosmetologists. Mr. Wilson stated the Construction Industry is probably 30-40% of his business, and of the 130 or so employees in his Division, 30-40 deal exclusively with construction related complaints. Mr. Wilson stated his Division takes in approximately 15,000 complaints a year, of which an initial review is conducted to determine legal sufficiency. Mr. Wilson stated of the legally sufficient complaints, a portion of those are handled via mediation; the remainder are sent for investigation.

Mr. Wilson explained that the Unlicensed Activity Program (“ULA”) operates on a “two-pronged” approach; education of the consumer and enforcement against unlicensed contractors. Mr. Wilson explained that it is a major priority of the ULA program to educate consumers and licensees. Mr. Wilson stated they often set up booths at trade shows and association shows to educate people in attendance. Mr. Wilson stated it’s a high priority of Regulation to let licensees know of the Department’s efforts to combat unlicensed activity and that Regulation tries to be as visible as possible to the public in attempts to curtail unlicensed activity. Mr. Wilson explained that Regulation performs quite a bit of “outreaches”, which consists of employees making contact with the general public and talking about the role that Regulation plays in combating unlicensed activity. Mr. Wilson stated that Regulation performed 535 outreach activities in the past year. Mr. Wilson further explained that Regulation has a webpage dedicated to unlicensed activity,

and has created literature, brochures, and media campaigns, including billboards and radio and television spots, aimed at curtailing unlicensed activity. Mr. Wilson stated the Office of Communications has also initiated a presence on social media sites like Facebook, Twitter, and Google Ads in attempts to educate the public of the dangers of unlicensed contracting. Mr. Wilson said they also provide “trinkets” at association meetings, including things like tape measures, coasters, bumper stickers, etc., which all provide the phone number for the unlicensed activity hotline and give information on how to ensure an individual is hiring a licensed contractor. Mr. Wilson stated just in the past week he sent 700 bumper stickers to a Roofing Association to distribute to their members. Mr. Wilson stated those are only a few of the things Regulation has done to educate the public and licensees about the dangers of unlicensed contracting and how to ensure members of the public are hiring licensed contractors.

Mr. Wilson moved discussion to Regulation’s enforcement efforts. Mr. Wilson stated the prosecution process is administrative in nature and if probable cause is found against an unlicensed contractor, the Department is required to refer those cases to the State Attorney’s Office (“SAO”) for criminal prosecution. Mr. Wilson states that thousands of cases are sent to the SAO, but he is unable to give a number on the amount of cases which are followed up on by the SAO, and that it is his goal to begin tracking that information. Mr. Wilson then introduced Ms. Sandra Rentfrow, the Regional Program Administrator of the Jacksonville Regional Office, to explain a little bit about what her office is doing at the enforcement level. Mr. Rentfrow stated her region covers six counties, and that her region takes a lot of proactive steps to combat unlicensed activity. Ms. Rentfrow stated that sting operations in her county used to pull an average of 30-40 unlicensed contractors, and that she feels due to her offices efforts, the average amount of unlicensed contractors pulled in sting operations has fallen to approximately 10-15 per sting operation. Ms. Rentfrow stated that they are not seeing as many ads on craigslist as they were 2-3 years ago and that they’re also seeing a reduction in the amount of ads that appear in print classifieds. Ms. Rentfrow stated that in her region she has a very close relationship with both SAO’s, and they are very good about participating in sting operations. Ms. Rentfrow stated that she also has invited the Division of Workers’ Compensation to participate in these stings, and that now, the normal sting operation in her area includes staff from the DBPR, the local law enforcement agency, and from the Division of Workers’ Compensation. Ms. Rentfrow stated she has also reached out to the Department of Elder Affairs and to local neighborhood associations and homeowners’ associations, and to local chapters of the Better Business Bureau. Ms. Rentfrow stated that in the past year, her office has done 73 outreaches, 53 sweeps, and 3 stings.

Mr. Wilson commended Ms. Rentfrow on her region’s activities, and stated it is his goal to model his other regional offices after her office. Mr. Harrell requested that Mr. Wilson tell the Board what a “sweep” is. Mr. Wilson stated that the idea of “sweeps” originated after Hurricane Andrew, and that a sweep is, essentially, a house to house check of construction activities in a specific area. Mr. Wilson said these are performed much more often after a hurricane, as it is a felony to be found contracting without a license during a declared state of emergency. Mr. Boyette asked why it’s only a felony during a state of emergency. Mr. Wilson explained that, statutorily, it is only a felony during a declared state of emergency, or for repeat violators. Ms. Rentfrow explained that even if a case results only in the prosecution of a misdemeanor, the SAO is now requiring that

individual to reimburse the Department for investigative costs on top of the administrative fine imposed by the Department. Mr. Evetts stated that his county recently held a sting operation, and the local Departmental staff present at that sting were only issuing cease and desist orders instead of monetary fines. Mr. Wilson stated that every SAO is different, and that the Department is often times limited in how they can prosecute depending on how the SAO wants to deal with the situation. Mr. Wilson stated that the law enforcement agencies in Ms. Rentfrow's district are particularly aggressive. Mr. Evetts stated the problem appears to him to be a lack of Departmental staff, as evidenced by the fact that Ms. Rentfrow has two investigators covering six counties, while his county office has four to cover just one county. Mr. Wilson stated, with this increase in appropriation, he intends to hire more investigators in each of his local offices on a permanent basis. Mr. Wilson stated he understands his office cannot do it alone and they need the participation of local agencies as well, but he still intends to increase personnel at the State level.

Mr. Wilson explained that there is a multitude of ways to get a hold of the Unlicensed Activity investigators, including the hotline, specific email address, the Department's website, etc. Mr. Wilson encouraged the board members to share this information with anyone they feel is interested in filing an unlicensed activity complaint. Mr. Wilson stated that the Department's website is a very good tool, and he has been very proactive in making sure the ULA section is user friendly and up to date with the latest technology. The ULA webpage contains all of their enforcement reports; news clips related to the prosecution of unlicensed activity; tips on how to ensure consumers hire a licensed contractor; and how to file complaints. Mr. Wilson stated he has provided information for the Board to review prior to their next meeting and he hopes to be able to go into further detail regarding their plan to spend the increased appropriation. Mr. Wilson stated that he has talked with some associations regarding the Department's plan to spend the increased appropriation, and Mr. Wilson stated his one word response to them was, "more". More investigators; more outreach; more cases; more stings and sweeps; more proactive activities to help combat unlicensed activity. Mr. Wilson stated that the increase in appropriation for construction alone was \$250,000, but he can promise that more than \$250,000 will be spent on construction. Mr. Evetts stated it is his recommendation that Departmental staff also attend one of the monthly Building Officials Association meetings to explain the Department's efforts. Mr. Wilson agreed thanked Mr. Evetts for the recommendation and stated he would look into it.

Mr. Sheehan stated that it is his opinion that the local licensing boards need to be included as much as possible, and that the Department needs to push the local licensing boards to ramp up their enforcement activities as well. Mr. Sheehan stated that in his area, the Tampa/St. Petersburg area, the Department has one person; without the participation of the local jurisdictions, one investigator is going to prove impossible in effectively stopping unlicensed activity.

Ms. Watts agreed with Mr. Sheehan, and stated that in her area, Tallahassee/Leon County, she has had a very difficult time getting participation from the local agencies. Ms. Watts stated that the local agencies need to be educated on the fee split on fines against unlicensed contracting so that they have incentive to be proactive in stopping unlicensed activity. Ms. Watts stated the local agencies have more manpower than the State does and they need to take advantage of that. Ms. Watts stated that in addition to

the local agencies, the contractor associations need to be more proactive in educating and informing their members on how best to combat unlicensed contracting. Ms. Watts also stated that the Division of Real Estate should have a part to play in all of this as well, and that licensed real estate agents are one of the main culprits in the hiring of unlicensed contractors. Mr. Harrell stated that outreach to the real estate industry is a great idea, and that Mr. Wilson should amend his plan to include outreach to those individuals.

Mr. Lenois stated that a lot of high profile referral companies, companies like Angie's List, etc., don't prequalify their referrals and that perhaps the Department could look into that. Mr. Wilson stated a sting operation was performed in Tampa in which Angie's List was used to contact the unlicensed contractors and they caught some unlicensed individuals. Mr. Wilson stated this sting made the local newspapers and Angie's List was identified in the article. Mr. Wilson stated that Angie's List corporate office contacted the Department expressing displeasure at their name being mentioned in the article, and Regulation has made it a priority to regularly check Angie's List for possible unlicensed contracting.

Mr. Sheehan stated that the Department charges for investigative costs, and requested Mr. Wilson provide him with a license of the Department's attorneys because he'd like to know what they're charging. Mr. Wilson clarified that this discussion is now being shifted over to licensed cases, and stated that they do bill the Board for those fees. Mr. Boyette asked how the investigative costs are calculated, and Mr. Wilson stated it billed by the hour, and clarified that the rate charged is about \$20/\$25 hour. Mr. Harrell stated that this is based on the salary of the investigator, Department overhead, etc., and that there are auditing procedures which the Department operates by. Mr. Harrell stated that in the wake in the 2004 hurricanes, the case load taken on by the Department more than doubled, and Department staff was not increased. Because of this, Mr. Harrell stated that, by necessity, they have become efficient which is why the investigative costs do not total all that much.

Mr. Lenois asked if there were any additional resources which could be brought into play to assist in the prosecution of unlicensed individuals. Mr. Lenois suggested that perhaps local code enforcement officers could be "deputized" as Department employees and enforce unlicensed activity at the Department level, since the code enforcement officers are more numerous around the State. Mr. Harrell informed the Board that §489.127 authorizes the local building departments to enforce the provisions of Chapter 489 and that it's not a question of authority, but a question of will, on behalf of the local agencies. Mr. Evetts stated that his building department does enforce Chapter 489, but their hands are tied when it comes to disciplining certified contractors. Mr. Wilson stated that if certified contractors appear to be in violation, to refer it to his office so that the Department can take action. Ms. Watts clarified that the local agency's ability to enforce Chapter 489 applies only to registered contractors and unlicensed contractors, not to certified contractors.

Mr. Wilson concluded by providing some additional statistics to the Board. Mr. Wilson stated that 30% of unlicensed activity cases are generated by the Department, so the Department is not waiting for complaints to come to them; they're proactively addressing the issue.

Mr. Harrell requested the Board's permission to release the Division of Regulation's report to the general public. The Board voted to grant the Department this permission.

With nothing further to report the board voted unanimously to approve this report.

CHAIRMAN'S REPORT – ROBERT MOODY

Mr. Moody gave the following report:

Mr. Moody welcomed Mr. Harrell back to the board and wished Mr. Winters good luck on the birth of his child.

Mr. Moody updated the Board on the development of the demolition specialty contractor's examination. Mr. Moody stated that in the past month a panel of subject matter experts convened and discussed the various elements of demolition contracting to set up all the test questions. Mr. Moody stated that there are roughly 100 test questions written up and there is a meeting scheduled in the future to continue to develop.

Mr. Moody also reminded the Board members that their financial disclosure forms were due July 1st, so he hopes they turned them in on time.

With nothing further to report the board voted unanimously to approve this report.

PROSECUTING ATTORNEY'S REPORT – KYLE CHRISTOPHER

Mr. Christopher gave the following report:

For the month of June 2013, the overall case load was 309, up from 289 in May of 2013, and up from 269 in June 2012.

There were 149 cases currently in Legal to be reviewed, 35 cases set for probable cause, and 47 cases where probable cause had been found/administrative complaints filed. 0 settlement stipulations had been approved, 1 informal hearings had been requested, and 13 cases were awaiting outside action. 4 cases were ready for default, 10 had requested formal hearings, and 1 case was referred to DOAH. 2 cases were in settlement negotiations, 0 cases was pending a board date, and 32 cases were set for board presentation. 15 cases were awaiting final orders. 0 cases were under appeal and 0 cases had been reopened.

For the month of June 2013, 92 cases were closed.

Mr. Christopher stated that during the preceding day's Final Action, 7 cases were presented to Division I, 9 cases were presented to Division II, and 2 cases were presented for Division I & II.

Mr. Christopher stated that his Division has recently lost an unlicensed activity attorney, and he expects to lose another one in the near future, but assured the Board these

positions would be filled quickly, and it is his sections priority to prosecute unlicensed activity to the fullest extent. Mr. Christopher stated that his attorneys will begin to increase the fines for both unlicensed activity, and assisting unlicensed activity by licensed contractors. Mr. Christopher indicated this may result in an increase in DOAH cases, but that's not a huge problem as the litigation unit also has some excess capacity to work these cases. Mr. Christopher put his full support behind Mr. Wilson and stated he would do whatever he can to increase the involvement of the SAO in prosecuting unlicensed activity.

Mr. Christopher concluded his report by wishing Ms. Katie Sabo, a prosecuting attorney with the Department, the best of luck in the upcoming birth of her child.

With nothing further to report the board voted unanimously to approve this report.

ATTORNEY GENERAL'S REPORT – TOM BARNHART

DERION BLIDGEN – REQUEST FOR INFORMAL HEARING

Mr. Blidgen was present.

Mr. Barnhart presented this case stating Mr. Blidgen's application for initial issuance of a certified roofing contractor's license was denied at the May 2013 meeting of the board for failing to demonstrate the required experience, pursuant to section 489.111, Florida Statutes, and Rule 61G4-15.001, Florida Administrative Code. The Notice of Intent to Deny was filed in May of 2013. Mr. Blidgen timely requested board reconsideration.

After discussion the board voted to vacate the denial of the application and allow Mr. Blidgen to withdraw the application.

CITY OF PORT ORANGE – PETITION FOR DECLARATORY STATEMENT

Representatives from the City of Port Orange, Wharton-Smith, Inc., and Danus Utilities, Inc. were present.

Mr. Barnhart presented this case stating the City of Port Orange filed a petition for a declaratory statement on May 28, 2013. The petition was noticed in the Florida Administrative Register on June 14, 2013. Mr. Barnhart noted the petition seeks the Board's interpretation of Sections 489.105(3), 489.105(3)(n), and 489.113(9)(a), F.S., as to whether Danus Utilities, Inc. as a licensed Certified Underground Utility and Excavation Contractor is lawfully authorized to contract with the City of Port Orange to perform the Bid #13-16 project.

On June 12, 2013, Wharton-Smith filed a petition for leave to intervene in the declaratory statement proceedings. On June 25, 2013, Danus Utilities, Inc. filed a petition for leave to intervene in the declaratory statement proceedings.

Mr. Barnhart asked the board to consider whether or not the petition meets the criteria for a declaratory statement, and to dismiss or answer as appropriate. Mr. Barnhart instructed the Board to consider whether or not the intervening parties, Wharton-Smith,

Inc., and Danus Utilities, Inc., had proper standing to intervene in the declaratory statement proceedings.

After discussion the Board voted that the petitioner, the City of Port Orange, had the proper standing to request the petition. After further discussion the Board voted that both intervening parties, Wharton-Smith, Inc., and Danus Utilities, Inc., had the proper standing to intervene, and voted to allow both parties intervention in the proceedings.

After discussion the City of Port Orange requested a 60 day continuance to further clarify the question being asked, and waived the deemer. The board voted to grant the 60 day continuance.

NANCY DENISON – REQUEST FOR INFORMAL HEARING

Ms. Denison was present.

Mr. Barnhart presented this case stating Ms. Denison's application for initial issuance of a certified roofing contractor's license was denied at the May 2013 meeting of the board for failing to demonstrate the required experience, pursuant to section 489.111, Florida Statutes, and Rule 61G4-15.001, Florida Administrative Code. The Notice of Intent to Deny was filed in May of 2013. Ms. Denison timely requested board reconsideration.

After discussion the board voted to vacate the denial of the application and to approve the application.

CAMILO DIAZ – REQUEST FOR INFORMAL HEARING

Mr. Diaz was present.

Mr. Barnhart presented this case stating Mr. Diaz' application to qualify an additional business entity was denied at the June 2013 meeting of the board for failing to appear as required by Rule 61G4-15.0021, Florida Administrative Code. The Notice of Intent to deny was filed in July of 2013. Mr. Diaz requested board reconsideration prior to the filing of the Notice of Intent to Deny after having been made aware of his hearing rights.

After discussion Mr. Diaz requested a 60 day continuance of this hearing. The board voted to grant the continuance.

JOHN GARNER – PETITION FOR DECLARATORY STATEMENT

Mr. Garner was present.

Mr. Barnhart presented this case stating John Garner filed a petition for a declaratory statement on June 24, 2013. The petition was noticed in the Florida Administrative Register on June 28, 2013. Mr. Barnhart noted the petition seeks the Board's interpretation of paragraph 489.113(9)(a) F.S., as to whether a commercial swimming pool contractor, as part of a project to build a swimming pool and pool deck, can include in the contract the construction of a summer kitchen on the pool deck area as part of his scope of license and subcontract all other necessary work. Mr. Barnhart asked the

board to consider whether or not the petition meets the criteria for a declaratory statement, and to dismiss or answer as appropriate.

After discussion the board voted the petitioner had the proper standing. After further discussion the board voted the petition lacked sufficient information, but voted that §489.113 (9)(a), Florida Statutes, applies to all categories of contractors, and stated that the petitioner can act as the general contractor for the work described in the petition so long as the majority of the work is within the scope of his license and he subcontracts the remaining work.

BRETT HANDLER – PETITION FOR DECLARATORY STATEMENT

Mr. Handler was not present.

Mr. Barnhart presented this case stating Mr. Handler filed a petition for a declaratory statement on May 21, 2013. The petition was noticed in the Florida Administrative Register on June 14, 2013. Mr. Barnhart noted the petitioner does not state in his request which statute or rule the petitioner seeks the Board to interpret. However, the petitioner appears to be requesting the Board's interpretation as to whether a general contractor building new custom homes would be required to have separate bank accounts for each home or renovation project under contract and/or construction. Mr. Barnhart asked the board to consider whether or not the petition meets the criteria for a declaratory statement, and to dismiss or answer as appropriate.

After discussion the board voted that the petitioner lacked the proper standing and voted to deny the petition.

NILO HERNANDEZ – PETITION FOR DECLARATORY STATEMENT

Mr. Hernandez was present.

Mr. Barnhart presented this case stating Mr. Hernandez filed a petition for a declaratory statement on June 11, 2013. The petition was noticed in the Florida Administrative Register on June 24, 2013. Mr. Barnhart noted the petition seeks the Board's interpretation of Section 489.118, F.S., as to whether an unregistered roofing license can be grandfathered to a certified roofing license. Mr. Barnhart asked the board to consider whether or not the petition meets the criteria for a declaratory statement, and to dismiss or answer as appropriate.

After discussion the board voted the petitioner lacked the proper standing and that the petition as presented should be a petition for a variance and waiver. After further discussion the board voted to deny the petition.

RICHARD SIMMS – REQUEST FOR INFORMAL HEARING

Mr. Simms was present.

Mr. Barnhart presented this case Mr. Simms' application for initial issuance of a certified general contractor's license was denied at the April 2013 meeting of the board for failing

to demonstrate the required experience, pursuant to Section 489.111, Florida Statutes, and Rule 61G4-15.001, Florida Administrative Code. The Notice of Intent to Deny was filed in May of 2013. Mr. Simms timely requested board reconsideration.

After discussion the board voted to uphold the denial of the application.

With no further discussion the board voted to approve this report.

COMMITTEE REPORTS

EXAMS/CE/PUBLIC AWARENESS COMMITTEE – ROY LENOIS

Mr. Lenois gave the following report:

A Builders License Training Institute

- 1st Course: Florida Construction Safety Standards – **approved**
- 2nd Course: Florida Contracts Liability & Risk Management – **approved**
- 3rd Course: Project Management for Contractors – **approved**
- 4th Course: Florida Required Competency – **approved**

API Processing-Licensing, Inc.

- 1st Course: Accounting for Contractors – **approved**
- 2nd Course: Billing, Estimate & Collecting – **approved**
- 3rd Course: Business Record Keeping – **approved**
- 4th Course: Business Structures – **approved**
- 5th Course: Chapter 489, Prohibitions & Penalties – **approved**
- 6th Course: Chapter 713, Florida Construction Lien Law – **approved**
- 7th Course: Contract Administration – **approved**
- 8th Course: Florida Sales and Use Tax – **approved**
- 9th Course: Successful Business Practices for Contractors – **approved**
- 10th Course: Taxes – **approved**
- 11th Course: The Trench Safety Act – **approved**
- 12th Course: Workers' Compensation – **approved**
- 13th Course: Workplace Safety – Personal Protective Equipment – **approved**

BBB Code Educators, Inc.

- 1st Course: Florida Building Code, Accessibility, Chapter 1 – 5 with 2013 updates – **approved**

Cemex

- 1st Course: Principles of Stucco Construction in Florida – **approved**

Cheryl L. Moore Consulting, LLC

- 1st Course: Municipal Storm Sewer System Inspection Training – **approved**

Cobble Systems

- 1st Course: Permeable Pavers Systems – **approved** (contingent upon deleting item 22 from timeline)

Daytona State College

- 1st Course: Calculating Total Dynamic Head – **approved**
- 2nd Course: Permanent Lift Station Backup Pump Systems – **approved**
- 3rd Course: Principles of Pumping – **approved**
- 4th Course: Pump Failure Analysis and Troubleshooting – **approved**
- 5th Course: Pump Sound Attenuation – **approved**
- 6th Course: Reading Pump Curves – **approved**

Federated Mutual Insurance Company

- 1st Course: Don't be a Victim – **approved**
- 2nd Course: In the Blink of an Eye – **approved**
- 3rd Course: Preserving the American Dream – **approved**

Ferencik Libanoff Bradt Etal

- 1st Course: Construction Bonds – A View from all Angles – **approved** (3 hours business practice)
- 2nd Course: Preparing for Contracting: Managing Construction Risk and Personal Liability – **approved** (as business practices)
- 3rd Course: The Litigation Maze – **approved** (as business practice)
- 4th Course: Understanding and Perfecting your Lien Rights – **approved** (as business practice)
- 5th Course: Understanding, Negotiating, and Complying with Construction Contract Terms – **approved** (as business practice)

Florida Association of Plumbing, Heating, & Cooling

- 1st Course: Get the Lead Out – **approved**
- 2nd Course: Innovation – Construction 101 – **approved**

Florida Plumbing and Backflow Association

- 1st Course: Backflow Repair and Maintenance – **continued 60 days**

Florida Pool and Spa Association d/b/a Florida Swimming Pool Association

- 1st Course: 2014 – Recognize Challenge, Embrace Opportunity – **approved**
- 2nd Course: ADA Regulations for Pools and Spas – **approved**
- 3rd Course: Advanced Automation (Sizing and Retrofit) – **approved**
- 4th Course: Basic Business Planning Take your Business to the Next Level – **approved**
- 5th Course: Basic Pool/Spa Water Chemistry and Testing – **approved**
- 6th Course: Coaching to Win – **approved**
- 7th Course: Construction Contracts – **approved**
- 8th Course: Construction Quality and Contractual Liability – **approved**
- 9th Course: Convert Existing Pools to Multiple Speed Pumps and Controls – **approved**
- 10th Course: Discover the Truth about Metal Staining – **approved**
- 11th Course: DOT Regulations for the Pool Industry – **approved**
- 12th Course: Energy Efficient Swimming Pool and Spa Hydraulic – **approved**
- 13th Course: Energy STAR – Pump Qualification Criteria and Retail Partner Certification – **approved**
- 14th Course: Florida Construction Lien Laws – **approved**
- 15th Course: Gas Heaters: Demystified and Simplified – **approved**
- 16th Course: Glass Tile Installation in Pool Applications – **approved**

- 17th Course: Hot Water Chemistry – **approved**
- 18th Course: Hydraulics for Service Contracts – **approved**
- 19th Course: Improving Company Visibility and Income – **approved**
- 20th Course: In-Floor Cleaning and Circulation Systems – **approved**
- 21st Course: Insurance Basics for Business – **approved**
- 22nd Course: Managing the Cost of Risk – **approved**
- 23rd Course: Motor Troubleshooting and Replacement – **approved**
- 24th Course: Motors and Pumps – **approved**
- 25th Course: Oxidation Tools and Pools in Florida's Tough Climate – **approved**
- 26th Course: Ozone and Germicidal UV; A Synergistic Approach – **approved**
- 27th Course: Pool Popping Accidents and Prevention – **approved**
- 28th Course: Pool Remodeling and Renovations – **approved**
- 29th Course: Proven Green Technologies for Commercial Pools – **approved**
- 30th Course: Salt Chlorinator Service Calls – Breaking it Down – **approved**
- 31st Course: Salt Pools 101 – **approved**
- 32nd Course: Secrets to Earning More by Selling Less – **approved**
- 33rd Course: Site Specific Safety Plans – **approved**
- 34th Course: Swimming Pool Energy Audits – **approved**
- 35th Course: Technology for the Small Business Owner: From Chaos to Control – **approved**
- 36th Course: The Water in your Pool/Spa: Have you Considered the Source? – **approved**
- 37th Course: Variable Frequency Drive and SVRS Pumps – **approved**
- 38th Course: Water Features and Effects – **approved**
- 39th Course: Water Testing and Treatment Myths – **approved**

JC Code & Construction Consultants, Inc.

- 1st Course: Fireplaces and Chimneys under the FRC – **approved**

M C Dean, Inc.

- 1st Course: Electrical Safety/NFPA 70E – **approved**

National Swimming Pool Foundation

- 1st Course: Aquatic Play Features – **approved**
- 2nd Course: Bloodborne Pathogens – **approved**
- 3rd Course: Certified Aquatic Energy Auditor – **approved**
- 4th Course: Chemical Safety – **approved**
- 5th Course: Chlorine Safety – **approved**
- 6th Course: Electrical Safety Work Practice and Standards (NFPA 70E) – **approved**
- 7th Course: Emergency Response Planning – **approved**
- 8th Course: Fire Safety – **approved**
- 9th Course: Flammable Liquid Safety – **approved**
- 10th Course: Forklift Operator – **approved**
- 11th Course: Hand and Power Tool Safety – **approved**
- 12th Course: Hazard Communication – **approved**
- 13th Course: Hazardous Waste Management – **approved**
- 14th Course: Incident Investigation – **approved**
- 15th Course: Ladder Safety – **approved**
- 16th Course: Personal Protective Equipment – **approved**

17th Course: Scaffold Safety – **approved**
18th Course: Sexual Harassment for Employees – **approved** (as general)
19th Course: Sexual Harassment for Managers – **approved** (as general)

On-Line-Classes.com d/b/a Infinity, LC

1st Course: 14-HR CILB Renewal Course – **approved**

Plumbing Contractors Association

1st Course: Avoiding the FLSA Minefield – **approved**
2nd Course: Understanding the Federal Lead Free Law – **approved**

Seminar Group

1st Course: 2nd Annual Construction Law in Florida – **denied**
2nd Course: Engineered Tax Credit – **denied**

Techknowledge

1st Course: Broward Chapter 9 – **approved**

University of Florida Program for Resource Efficient Communities

1st Course: Florida Weatherization Training; Weatherization Procedures and Building Science Fundamentals – **approved**

William E. Zetterland – Gibraltar Construction Services, LLC

1st Course: Construction Claims Avoidance & Management – **approved**

With nothing further to report the board voted to approve this report.

RULES/PUBLIC/LEGISLATIVE COMMITTEE – MARK PIETANZA

Mr. Barnhart gave the following report:

61G4-12.011 Definitions – Effective on 04/04/2013

61G4-15.035 Certification of Irrigation Specialty Contractors – Effective on 2/13/2013

61G4-15.038 Certification of Demolition Specialty Contractors – Effective on 2/11/2013

61G4-18.001 Continuing Education Requirements for Certificateholders and Registrants – Effective on 3/31/2013.

With nothing further to report the board voted to approve this report.

AD HOC COMMITTEE – ROBERT MOODY

Mr. Moody gave the following report:

A presentation by Fred Dudley, Esq., was given on behalf of the Florida Construction Industry Management Corporation.

Public comments were given by the following:

Kevin Trim on behalf of Professional Licensure Services

J.B. Clark on behalf of Florida Building Trades Association, the Construction Licensing Officials Association of Florida, Inc., Florida Electrical Workers Association, and the Florida AFL-CIO

Cam Fentriss on behalf of Florida Roofing, Sheet Metals, and Air Conditioning Contractors Association, Florida Refrigeration & Air Conditioning Contractor's Association, and the Florida Association of Plumbing, Heating, Cooling Contractors

Doug Buck on behalf of the Florida Home Builders Association

Peter Dyga on behalf of Associated Builders and Contractors, Inc.

Jennifer Hatfield on behalf of the Florida Swimming Pool Association

William Brod on behalf of Construction Licensing Officials Association of Florida, Inc. and Capitol City Lobby Firm, Inc.

Rhonda Koning on behalf of the Contractor's Institute, Inc.

Rick Watson on behalf of the Associated Builders and Contractor's Inc.

Mr. Dudley began his presentation by thanking the Board for allowing him to appear in front of them to present his ideas for the privatization of the Construction Industry Licensing Board.

Mr. Dudley distributed to the board members a formal presentation the previous month, and stated he would like to over that material. Mr. Dudley stated that his client is a non-profit corporation with no assets, and that his firm, Holland & Knight, LLP, has approved Mr. Dudley's representation of them in a pro-bono capacity. Mr. Dudley informed the board that four previous board members are a part of his organization; Mr. Elbert Batton, Mr. Jerry Hussey, Mr. Bobby Stewart, and Mr. Barry Kalmanson. Mr. Dudley explained that, according to the company's by-laws, it is a requirement that an individual must be a former board member to be one of the corporations Board of Directors. Mr. Dudley further clarified that neither himself, the corporation he represents, nor any of the Board of Directors of his corporation, desire to have any contract for any services with either the Construction Board or the Department of Business and Professional Regulation.

Mr. Dudley explained that his client exists to assist the Board. If the Board does not wish his client do anything at all, they will not do anything at all. Mr. Dudley stated that his client is only interested in providing whatever assistance the Board may request. Mr. Dudley further explained that this presentation is not just about privatizing the Construction Board.

Mr. Dudley referred to the distributed materials, and explained that his client has identified three main issues which have proven problematic for the Board and the industry as a whole.

The first of those issues is unlicensed activity and the Department's apparent inability to both prevent unlicensed activity and enforce discipline against unlicensed contractors. Mr. Dudley explained that one of the flaws with the prosecution of unlicensed contractors is that only the Department, not the Board, can prosecute unlicensed activity. Mr. Dudley stated that, just for the Construction Industry, several thousand complaints per year are received by the Department for unlicensed activity. Mr. Dudley explained that probable cause had been found in about 45% - 67% of the complaints. Mr. Dudley then went on to explain that, of cases where probable cause had been found, Administrative Complaints had only been filed in 10.5% of the cases from the previous year, 19% the previous year, and 25% the year before that. Mr. Dudley stated that he discovered that the discrepancy in the amount of cases where probable cause had been found and the amount of cases with Administrative Complaints filed is due to the Department's policy to not prosecute cases with a first time offender, except with there is "consumer harm". Mr. Dudley stated he assumes that "consumer harm" is to mean situations in which a consumer is financially harmed. Mr. Dudley stated this appears to be contrary to the Department's own Rule, 61-5.007, Florida Administrative Code. Mr. Dudley also explained that "Cease and Desist Orders" ("C&D's"), which are the forms used to discipline unlicensed contractors for a first time offense, specifically states one of the reasons for the issuance of the Order as being a "first time offense". Mr. Dudley stated that a fine of up to \$500 may be imposed, but often times the Department never gets beyond that first option. Mr. Dudley stated that he has taken samples of these forms, and has come to the conclusion that C&D's are given to individuals past their first offense, in lieu of a fine, and this is due to Department staff not reviewing previous C&D's to confirm that a prior complaint had not been received against a particular individual. Mr. Dudley explained that everything the Board does, whether it be license applications, additional business entity applications, change of status applications, and disciplinary cases, is meaningless if the Department cannot effectively prosecute unlicensed contractors. Mr. Dudley questioned if the Department has sufficient staff to prosecute individuals found guilty of unlicensed contracting. Mr. Dudley indicated that the Legislature appropriated an additional \$250,000 to the Department to aid in prosecution for unlicensed construction activity, and Mr. Dudley requested information from the Department in how they intended to spend the money. Mr. Dudley stated that the Department should confer with the Board in how best to spend the appropriation. Mr. Dudley stated that §455.228 (1)-(3) imposes guidelines and limits on penalties to be imposed on unlicensed contractor, including fines not to exceed \$5,000. Mr. Dudley questioned how many times the \$5,000 penalty has been imposed, and suggested that a one time fine of \$5,000 would significantly deter any future action by the same individual. Mr. Dudley also stated that the statute also allows the Department to assess attorney's fees for the prosecution of unlicensed activity cases, and that an individual can also be fined in civil court, which is on top of any administrative fines. Mr. Dudley reminded the Board that the language contained in §455.2281 states that, "...vigorous enforcement of regulation for all professional activities is a state priority" and that "the Department shall seek Board advice regarding enforcement methods and strategies prior to expenditure of funds." Mr. Dudley questioned whether or not the Board has been solicited for their opinion on methods and strategies on how to combat unlicensed contracting. Mr.

Dudley indicated that it is his opinion that unlicensed activity is the single most important thing he will talk about because every licensed contractor in the State is trying to do a good job; trying to follow rules; trying to bid competitively; and trying to keep their costs at an affordable level; and that all of this is undermined by unlicensed contracting.

Mr. Dudley moved on his second area of concern which focuses on verification of work history and employment, which is no longer a requirement in the construction application forms, forms which were prepared and adopted exclusively by the Department. Mr. Dudley stated that all the other Boards under the Department, including Electrical, Architecture, etc., all require verification of employment and education. Mr. Dudley stated that the CILB is the only Board that does not require verification of employment. Mr. Dudley stated that he has been told that the reason this is the case is because the Joint Administrative Procedures Committee (“JAPC”) indicated that the Board did not have statutory authority to require employment verification. Mr. Dudley stated that his research shows that previous Board Counsel never submitted a form wherein the Department requested verification of employment. Mr. Dudley offered his interpretation of what transpired; several years ago the Board attempted to amend Rule 61G4-15.001, F.A.C., to add verification of employment to application forms, JAPC responded by saying that the sworn affidavit used in the forms at that time was not something the Board had authority to require. Mr. Dudley stated that Board Counsel responded by saying that they only wanted it under oath, to which JAPC stated that they could require it under oath, they just couldn’t require a notarized form be submitted with the application. Mr. Dudley stated that JAPC’s issue with requesting W-2 forms for verification is that W-2’s have social security numbers on them and inquired what the Department was doing under the Federal Privacy Act to make sure those numbers wouldn’t get out. Mr. Dudley clarified that JAPC never said the Department could not require W-2’s. Mr. Dudley suggested the Board ask the Department to go back with an amendment to Rule 61-35.010 and propose adding a requirement for W-2’s or 1099’s to verify employment, as well as a statement signed by the applicant’s former employer verifying employment history of the applicant. Mr. Dudley told the Board not to “buy the argument” that JAPC will not allow the CILB to require employment verification.

Mr. Dudley moved on to his third area of concern, focusing on, what he thinks, is a noticeable lack of cooperation between the Department and the Board on legislative issues. Mr. Dudley reminded the Board that the Department is required to submit information regarding their legislative priorities very early. Mr. Dudley stated that the Department, via the Executive Director, needs to be communicating with the Board to ensure agreement and coordination on legislative priorities. Mr. Dudley stated that it is his opinion that communication would solve each of the three issues he has identified.

Mr. Dudley reminded the Board that Mr. Harrell and Mr. Winters do a phenomenal job within the Department, and that they are there to serve the Board’s needs, but that the Board has to ask for help with these issues if they seek resolution. Mr. Dudley concluded by thanking the Board for allowing him to give his presentation.

Mr. Moody then opened the discussion up to members of the public in attendance, and recognized Mr. Kevin Trim.

Mr. Trim requested a response from Mr. Harrell. Mr. Dudley objected to this request. Mr. Harrell informed Mr. Trim that he will give comments after all parties have spoken. Mr. Trim stated he would like to reserve his comments until after Mr. Harrell had addressed the presentation. Mr. Moody reminded Mr. Trim that now is the time for public comment and that additional public comment might not be taken after Mr. Harrell's response. Mr. Trim stated that he has been coming to the CILB meetings for many, many years and that Mr. Dudley brought issues that do need to be addressed and have been festering for many years. Mr. Trim stated that he is going to reserve judgment on privatization is the best way to go about, but Mr. Dudley has laid on the table the clear and open truth regarding the past rules and the failure in communication between the Department and the Board. Mr. Trim really encouraged the Board to further explore these issues. Mr. Trim stated his primary concern with Mr. Dudley's proposal is the requirement that the non-profit corporation represented by Mr. Dudley be composed entirely of past board members. Mr. Trim stated this would vastly limit the pool of people eligible to be involved in the process and would limit the role of associations in any changes that could be made. Mr. Trim brought up a couple of previous issues regarding application requirements, including credit score requirements, and that these are issues that need to be looked at.

Mr. Moody recognized J.B Clark. Mr. Clark stated that the organizations he represents know of Mr. Dudley's ability and background and that he always does an excellent job. Mr. Clark commended Mr. Dudley on the value of the information given in his presentation and advised the board to look carefully at the issues presented. Mr. Clark stated that recent conversations with the associations that he represents and with individual contractors that he does not represent indicate that they are opposed to Mr. Dudley's plan of action. Mr. Clark stated that careful review of the material provided by Mr. Dudley is objectionable. Mr. Clark stated he would like to present to the Board a written document with their objections to Mr. Dudley's plan. Mr. Moody stated the Board would like to see that. Mr. Clark thanked the Board for allowing him to speak.

Mr. Moody recognized Ms. Cam Fentriss. Ms. Fentriss stated that Mr. Dudley's proposal was very informative and comprehensive. Ms. Fentriss stated that she would like the Board to be made aware of the Department's plan of action with the additional appropriation received to combat unlicensed contracting, and that she and the associations she represents think it's very impressive. Ms. Fentriss stated that she would support privatizing some functions of the Board, but not the whole thing, and that she has supported in the past the creation of the Division of Construction and Design. Ms. Fentriss stated that a factor to consider is that the CILB and the Florida Building Commission are now both housed within DBPR, which should allow for greater coordination between the two entities, and that any changes in the structure of the CILB should take this into account. Ms. Fentriss gave an example regarding unlicensed activity, and often times unlicensed activity goes hand in hand with unpermitted work, and that she and her associations would love to see greater cooperation between the licensing boards and the design boards and then maybe examine potential items that could be streamlined or privatized. Ms. Fentriss also brought up the continuing education issue contained in Mr. Dudley's proposal, and stated that of the people she's talked to, their main issue with continuing education is a lack of uniformity in course requirements. Ms. Fentriss said she would also like to see quicker and more streamlined processing of continuing education courses.

Mr. Moody recognized Mr. Doug Buck. Mr. Buck stated that the issues presented are not going to be resolved today, and that if the industry and the Board are willing to work together to increase the ability to enforce unlicensed contracting and to make licensure clearer, then a continuing dialogue is going to need to take place over the course of several meetings. Mr. Buck indicated that there are some institutional barriers, the least of which being the Board is independent of, but then is overseen by, the Department. Mr. Buck indicates that his association would probably not be supportive of privatization at this time because his association is, overall, pretty satisfied with how things currently operate. Mr. Buck stated that there have been times where that's not been the case, but somewhere along the line there needs to be the freedom to speak freely and deal with situations that arise. Mr. Buck expressed concern over the fact that both the state and local jurisdictions license contractors and enforces discipline, and don't appear to coordinate. The Florida Building Commission provides a good model in that the State agency sets the laws and rules and local jurisdictions handle enforcement. Mr. Buck said his association supported the additional \$250,000 in appropriation to combat unlicensed contracting, but not necessarily where that money was generated from, and that they would prefer the money from the building permit surcharge go to enforcement to better and more effectively regulate, than to sit in the account and get swept by the Legislature. Mr. Buck states that industry wants to come to the Board and work on these issues and requested a process be set up where all interested parties can work on these issues. Mr. Buck indicated that the Board would find quite a bit of willing partners for these discussions.

Mr. Moody recognized Peter Diga. Mr. Diga stated the organization he represents has about 500 licensed contractors along the East Coast of Florida. Mr. Diga stated he is appearing today to encourage the Board to do all it can do to help with the problem of unlicensed contracting, and however the Board can resolve the issue would be supported.

Mr. Moody recognized Jennifer Hatfield. Ms. Hatfield stated she represented the Florida Swimming Pool Association, and at their meeting the previous month, unlicensed activity was a big topic of discussion. Ms. Hatfield stated that she agrees with the problems presented by Mr. Dudley and she appreciates him bringing this matter to the Board's attention. Ms. Hatfield stated the organization she represents has not taken an official position on the plans presented by Mr. Dudley and are only present to observe, but acknowledges that unlicensed activity is a big problem.

Mr. Moody recognized Mr. Brod. Mr. Brod stated he is appearing on behalf of his organization, the Construction Licensing Officials Association of Florida, Inc., and he wanted to go on the record that he agrees with most everything said. Mr. Brod stated however that he does not agree in how the presentation was conducted, and that his organization is willing to work with the Board, but in a more amicable way than the presentation suggested it be done. Mr. Brod stated his organization is here to help in any way. Mr. Brod stated his organization has combated unlicensed activity since 1984 and it's a major part of what of they do, so they'd be glad to assist however possible.

Mr. Moody recognized Rhonda Koning of The Contractor's Institute. Ms. Koning stated she has worked with the Board for over 20 years, and she's dealt with all of the issues

that have been presented to the Board. Ms. Koning stated that privatization of the Board doesn't quite make sense to who she represents, especially if the privatization of the Board results in the Board being comprised of individuals as opposed to associations that represent the industry. If privatization were to happen it would need to be garnered based on the experience of all of the associations that represent all of the industry within the state; including homebuilders associations, associations for all the licensing types, etc., not a group of individuals who have previously served on the Board. The opinions of the associations need to be taken into account. Ms. Koning reiterated that if the Board is privatized, the governing authority over the Board needs to be the associations that represent the industry.

Mr. Moody recognized Rick Watson. Mr. Watson indicated that the association he represents has not taken a position on the presentation, but would like to offer some comments. Mr. Watson indicated the emphasis on privatization might be misplaced, and that "the many alternatives" other than privatization mentioned by Mr. Dudley might be more appropriate. Mr. Watson indicated that he agrees with the main point of the presentation; that everybody wants to improve the regulation of the industry, but that his opinion is that CILB staff, and the Board members, are doing a pretty good job in regulating the industry. Mr. Watson indicated that the changes to the applications have resulted in substantially shorter processing time over the old applications. Mr. Watson indicated that complaints are being processed very efficiently as well. Mr. Watson stated that CILB staff does a great job communicating with his agency for input in legislative issues, on rule development, and other issues which come about. Mr. Watson also commended the Board members in their dedication to the industry. Mr. Watson stated that privatization as mentioned by Mr. Dudley is probably a little drastic, but there could be improvements in "outsourcing" certain tasks to private industry, especially now that the Building Commission is housed within DBPR. Mr. Watson summed up by saying he looks forward to working with the Board to see where this matter goes, and that while his association hasn't taken an official position in response to Mr. Dudley's presentation, he feels that some good ideas were put forward.

Mr. Moody opened the discussion up for Board comments, questions, and reaction, first recognizing Mr. Cathey.

Mr. Cathey stated that during his tenure on the Board he has been a little surprised to see how easy it is for some people to get a license, and he's also been surprised to see a number of cases where licensees have done something wrong and gotten away with it. Mr. Cathey stated that his frustrations lay in how many people are being issued licenses that he feels are unqualified for licensure, which erodes the value of the license. Mr. Cathey stated he thinks the Board needs to do a better job enforcing discipline. Mr. Cathey stated he's not sure what the answer is, and while Mr. Dudley certainly pointed out some issues which need to be addressed, he's not sure what Mr. Dudley proposed is the best way to address the issues. Mr. Cathey commended Board staff for the job that they do, and stated he's not sure if privatization is the best way to resolve the issues, but the most important thing is making sure the issues are resolved, and that he will do whatever he can to assist in resolving the issues. Mr. Cathey asked Mr. Watson, of Associated Builders and Contractor's Inc., whose primary membership is composed of commercial contractors, what he feels is the biggest issue for the industry right now. Mr. Watson responded stating that unlicensed activity does not affect the commercial

industry nearly as much as it affects residential, although they have a lot of subcontractors who do both commercial and residential work. Mr. Watson stated that, from an association standpoint, processing the applications for continuing education, and the apparent lack of consistency and speed, is one of the main problems. Mr. Watson did state that they always support anything that can be done to curtail unlicensed activity because that affects the entire industry. Mr. Cathey asked Mr. Watson if he felt the Board's licensing process is doing a thorough enough job of screening applicants that are applying for commercial contractor's licenses. Mr. Watson responded by saying that 98% of the applications submitted are in fact "clean" applications, and should be handled quickly by staff. Mr. Watson stated he feels the Board's time and efforts can be better spent on the problematic applications.

Mr. Moody recognized Mr. Sheehan. Mr. Sheehan stated that the problems that exist in the industry now have existed for the duration of his time on the Board. Mr. Sheehan stated that he feels nothing has been accomplished as far as resolving the problems, and that everyone is in agreement that they need to be resolved. Mr. Sheehan stated that, if anything, the Board has made it easier for less experienced individuals to obtain licensure and, despite an acknowledgement of the problems, nothing has been done to fix them. Mr. Sheehan stated that this is the first time he's heard from the associations about their concerns, and he appreciates them coming to the Board and giving their input. Mr. Sheehan stated that, as a residential contractor, unlicensed activity particularly affects him, and he feels strongly that something needs to be done to stop unlicensed contracting. Mr. Sheehan stated that if privatization is what it takes, then he supports it, but everybody has to work together to correct the problem. Mr. Sheehan stated that his opinion is that neither the associations nor the Department wants privatization to occur, and if neither of them want privatization to happen, then he is almost positive the Governor won't want it either. Mr. Sheehan stated that there has to be some common ground where everyone can come together to solve the problem. Mr. Sheehan stated he feels that ground has been lost in experience verification for applicants, and that no ground has been made at all in the prosecution of unlicensed activity. Mr. Sheehan stated that his main point is that some cooperation between the associations, the Department, and the Board needs to occur, and that doesn't seem to exist at the present time.

Mr. Moody recognized Ms. Watts. Ms. Watts stated that, since her arrival on the Board in 2002, a lot of court decisions have come down directing the Board on how to act in regards to unlicensed activity. Ms. Watts stated that as far as unlicensed contracting goes, her opinion is that unlicensed activity prosecution needs to come under the Board purview instead of the Department's purview. Ms. Watts stated that the Board and the Department need to coordinate more with local municipalities in identifying unlicensed activity. Ms. Watts stated that her local municipality refers nearly every unlicensed complaint directly to the Department and that more education to the building officials is required, so that they understand their role in enforcing unlicensed activity and that they can also collect the revenue from the fines. Ms. Watts stated that it also takes contractors to report unlicensed activity. Ms. Watts stated that there is no way the Board and the Department can catch all of the unlicensed activity occurring in the state. Ms. Watts stated that the associations should take a proactive role in not only educating their members, but also educating local municipalities on enforcement. Ms. Watts indicated this would drastically increase the amount of "enforcement officers" watching out for

unlicensed activity. Ms. Watts stated that this is the only way to drastically reduce the amount of unlicensed contracting in the state. Ms. Watts stated that the association's participation is vital, and the offers of participation mentioned in this meeting should start there. Ms. Watts moved on to the verification of work experience on license applications, and stated that when she took the plumbing exam, she was required to produce W-2's to verify employment. Ms. Watts stated that what she wants to go back to that, and if an applicant can't produce W-2's, then those individuals need to go out and work for a licensed contractor. Ms. Watts stated that concrete evidence is a must. Ms. Watts moved on to the third point of Mr. Dudley's presentation and that is cooperation between the Department and the Board on legislative issues. Ms. Watts stated she was not pleased when she learned the authority to approve null & void reinstatement applications was moved from the Board's purview to the Department's purview, but that is an effect of political pressure on Board staff. Ms. Watts stated that staff can be pressured to put null & void reinstatement applications through, which is why she feels the authority to rule on those applications need to be put back before the Board. Ms. Watts stated that she has a hard time with the null & void applications, and with the grandfathering provision, but she was eventually brought around to understanding why grandfathering was put in place. Ms. Watts stated that with the unlicensed activity issue, the most important step in stopping the problem is grassroots participation in identifying and reporting it. Ms. Watts stated that cease and desist orders should never be a form of punishment because all unlicensed contracting causes consumer harm.

Mr. Moody recognized Mr. Del Vecchio. Mr. Del Vecchio stated that one of the issues he has with current policy in prosecuting unlicensed activity is the inequity being imposed on licensed contractors. Mr. Del Vecchio stated he doesn't understand how a legitimately licensed contractor can incur the fees of licensing (insurance requirement, continuing education requirements, licensing fees, workers' compensation coverage, etc) and continue operating, when he feels that unlicensed contractors are being allowed to operate and "feed" on the industry. Unlicensed contractors not only reduce the opportunity for licensed contractors, but degrade the value of the marketplace. Mr. Del Vecchio stated those are the two most obvious reasons for significantly ramping up prosecution of unlicensed contractors. Mr. Del Vecchio stated that some local jurisdictions are extremely aggressive in prosecution while others aren't. Mr. Del Vecchio stated there needs to be some uniformity in prosecution, and that example needs to come from the state. Mr. Del Vecchio stated that is the biggest issue presented by Mr. Dudley. Mr. Del Vecchio stated he hopes the other issues can be solved, but that privatization appears to be a "hail mary" attempt at resolving the issues. Mr. Del Vecchio stated that he doesn't think anybody on the Board wishes to take on more work, but he also knows the character of the Board members and that they believe in doing their job, and it's very frustrating for some of the Board members to have to see things which they know are wrong, but are not within their ability to right.

Mr. Moody recognized Mr. Boyette. Mr. Boyette thanked Mr. Dudley and the associations for appearing in front of them today. Mr. Boyette stated he hasn't been on the Board for a very long time, but has been in the industry for quite a while. Mr. Boyette stated that one of the most surprising things to him is the lack of "professionalism" of the licenses issued by the Board. Mr. Boyette stated Mr. Cobb is a bar certified attorney, and does everything in the world to protect his license. Mr. Boyette stated that the

people who come in front of the Board don't see the license as a professional license, and that they don't value their license, because at the end of the day, the Board lacks the necessary authority to impose restrictive sanctions on unlicensed contractors. Mr. Boyette stated that the penalties imposed on unlicensed contractors are not nearly severe enough to prohibit the activity, when in reality, the damage caused by unlicensed contractors can be very extensive and damaging. Mr. Boyette stated that when he was appointed to the Board, he was surprised that experience is not verified with documentation. Mr. Boyette pointed out the flaws in this system in that someone who has never stepped foot on a jobsite could pass the exam and then be issued a license so long as they check the correct boxes on the application. Mr. Boyette stated he would like to see more difficulty in the test and to increase the expectations of licensed contractors. Mr. Boyette stated that he has been on a lot of Boards throughout his career, and this is the one Board that he sits on where he feels powerless to make necessary changes, but that he's not sure if privatization is the correct route.

Mr. Moody recognized Mr. Evetts. Mr. Evetts stated that in his capacity as a building official of over 25 years, the biggest perpetrators of unlicensed contracting are licensed contractors, who hire unlicensed subcontractors to perform the work. Mr. Evetts stated that in his county, he has a team that identifies and prosecutes unlicensed activity, and that his local team has taken in almost the same amount of money in fines as the state has. Mr. Evetts stated the only people in his county who turn unlicensed contractors in are licensed contractors. Mr. Evetts stated he has distributed thousands of the stickers provided by the Department informing people of unlicensed activity, and every vehicle in the county fleet displays those stickers. Mr. Evetts stated that he agrees with Ms. Watts in her assessment that all unlicensed contractors cause financial harm, especially when it comes to dealing with insurance claims. Mr. Evetts also agreed with Ms. Watts' statement that if local jurisdictions had the authority to deal with unlicensed contractors the way the state does, they would gladly do everything in their power to enforce as much as possible. Mr. Evetts stated that he also felt the need to point out that building officials can be just as guilty in allowing unlicensed contracting to happen. Mr. Evetts stated that during his time on the Polk County Contractor's Board, the same issues were prevalent, in that they lacked the enforcement ability to actively stop unlicensed contracting. Mr. Evetts stated that most local governments don't want to address the problems outside a couple local jurisdictions. Mr. Evetts stated that the most important point he has to make is to ensure that unlicensed contracting is actively stopped at every level of government.

Mr. Moody recognized Mr. Cobb. Mr. Cobb stated that, in a year on the Board, he looks at the unlicensed contracting problem in the same way that Ms. Watts looks at; there is always consumer harm when dealing with unlicensed contracting. Mr. Cobb states that as the consumer member of Division II, he looks at the issue through the eyes of his practice and the issue he deals with the most is §489.128. Mr. Cobb stated that his opinion is that the legislature passed this Statute, which removes all rights from unlicensed contractors, in an attempt to curtail unlicensed contracting. Mr. Cobb stated, however, that by the time it has gotten to that point, it is too late; the consumer has already been harmed. Mr. Cobb stated that the Board has to take preventative action to stop unlicensed contracting, and he thinks Mr. Dudley's proposition of increasing the fines to the maximum amount, even on a first offense, would have that preventative effect.

Mr. Moody recognized Mr. Lenois. Mr. Lenois stated that he agrees with nearly all of the comments put forth so far, and that it appears everybody recognizes that there is not a quick, simple fix when it comes to unlicensed activity. Mr. Lenois stated that the problem he has seen and dealt with for many years is that the measures to stop unlicensed activity have been so fragmented that there is no consistent, encompassing plan which can be implemented. Mr. Lenois stated that fines can be imposed all day long, but collecting those fines is another issue. Mr. Lenois stated that the Department used to put out Public Service Announcements to warn homeowners of the dangers of unlicensed contracting, but he doesn't know what happened to those. Mr. Lenois stated the fragmentation of responsibilities is one of the main problems in the prevalence of unlicensed contracting, and there needs to be a program put together beginning with the education of the consumer all the way through to the enforcement and collection of fines. Mr. Lenois recalled a conversation with a former prosecutor for the Department, in which the prosecutor acknowledged that only 10-15% of the fines imposed against licensed contractors were ever collected. Mr. Lenois stated that he can only imagine the difficulty in collecting fines against unlicensed contractors. Mr. Lenois stated he also had no clue how to solve the problem, but that communication is the key, and that a comprehensive plan needed to be put together so that a process can be implemented to combat unlicensed activity. Mr. Lenois stated that he isn't sure how privatization would really change anything, at least not in the proposal put forth by Mr. Dudley. Mr. Lenois stated that all of the efforts put in by the involved parties are honest and good efforts, but he feels that if all the efforts were directed towards the same goal and implemented the same way, the overall efficiency would be much higher. Mr. Lenois stated he agrees with Ms. Watts about the verification of experience with W-2's, and another issue that concerns him is the inability of the Board to see a college degree or transcripts for individuals claiming college credits on their applications.

Mr. Moody recognized Mr. Dudley and allowed him to respond to the concerns mentioned by the public and the board members. Mr. Dudley stated he very much appreciated all of the comments, even those that did not agree with his proposal. Mr. Dudley stated that from the public comments, it's apparent that this is an effort that he needs to continue working on, but that lots of offers of help were put forth. Mr. Dudley clarified some points of confusion, the first of which was that his client is a not-for-profit corporation who has chosen to limit their Board of Directors to former members of the CILB. Mr. Dudley clarified that his client is not suggesting that any changes result in only former board members being the regulatory body for the construction industry. Mr. Dudley indicated he has not seen the Department's plan to spend the increased appropriation to combat unlicensed activity, though he has heard a couple of references to this plan and those people indicated they were instructed not to distribute it. Mr. Dudley asked the Board if they had seen the plan, and if not, can the Board not request to see the plan. Another point of clarification presented by Mr. Dudley was to indicate that he did not mean to imply he disagreed with the change giving the Department the authority to approve continuing education courses. Mr. Dudley stated the board he serves on had the same problem in consistency in approval of courses. Mr. Dudley stated he agrees that some change is called for in regards to methods of approving continuing education courses and providers. Mr. Dudley stated his concern is not that the change was implemented, but whether or not the Board was consulted on this decision, and to ensure those courses specifically requiring the technical expertise of the

board members would still be brought before the Board. Mr. Dudley reiterated that the only problem he had was not the change, but that the Board was not consulted on the change. Mr. Dudley stated that he agreed with Mr. Buck's comments in which he recommended a dialogue get started to resolve the issues. Mr. Dudley stated that was his client's intent in his presentation, and that if any of the board members felt his comments were derisive of the job performed by the Board or Department, then he personally apologizes, as his intent was to address the problems, not the Board or Department's performance in their duties. Mr. Dudley stated he had some additional suggestions based on comments offered, and requested Mr. Moody convene another Ad Hoc meeting in the future to allow him to provide these suggestions, including requesting the General Counsel to provide a presentation on the current prosecution policy of unlicensed contractors, to get a clarification on what that office does or does not do. Mr. Dudley also stated that the Board should request the industry associations present plans on how they think they can stop unlicensed activity. Mr. Dudley stated the Board should ask the Department to present their plan to the Board on how they intend to use the additional appropriation earmarked to combat unlicensed contracting. Mr. Dudley stated that if the Department has come up with a plan to spend this money, the Board should be made aware, and allowed to give input. Mr. Dudley stated the Board should consider creating an Application Review Committee, comprised of Division I and Division II board members, that doesn't review completed applications, but instead reviews the application forms and proposes information that they would like to see added to the forms. Mr. Dudley concluded by recommending that the Legislative Committee begin collecting legislative ideas in response to these discussions, and inform the Department of specific issues they would like added to the Department's legislative agenda. Mr. Dudley stated that his client is ready, willing, and able to work with the Board in whatever desire the Board has in coming up with some meaningful ideas to provide the Board with more authority to carry out their duties and responsibilities.

Mr. Dudley asked if a letter provided by Gavin Caddy, Esq., had been put into the record. Mr. Harrell confirmed that the letter had been distributed.

Mr. Moody recognized Mr. Harrell. Mr. Harrell expressed his thanks to Mr. Dudley and his clients for their presentation, and thanked all of the associations for appearing and offering input in response to Mr. Dudley's presentation. Mr. Harrell stated that while it easy to identify problems, it is not as easy to resolve them. Mr. Harrell stated the Department's purpose is to work with the Board and the associations in best solving issues facing the industry. Mr. Harrell stated that there appears to be some misunderstanding in what is going on with these various problems. Mr. Harrell explained that the Department is extremely proactive in combating unlicensed activity, all of which can be tracked by visiting the Department's website. Mr. Harrell explained that a lot of valuable information on the Department's efforts is posted there, and that the Department pioneered the "sting" operation targeting unlicensed activity in the 1990's, and it is still done by the Department today. Mr. Harrell also pioneered utilization of Workers' Compensation investigators and deputies from local Sheriff's offices to comb through neighborhoods in performing "sweeps" to identify unlicensed contracting. Mr. Harrell stated that the Department established and Unlicensed Activity Hotline in which any member of the public can call the Department and report suspected unlicensed activity. Mr. Harrell stated that the Department regularly attends meetings of construction associations to identify their concerns. Mr. Harrell stated that while the

Department does not have as many PSA's on radio and television airwaves as before because they proved to be ineffective, the Department has created a much larger presence on social media outlets to educate the public on the dangers of unlicensed activity. Mr. Harrell confirmed that the Department does have a plan that has been discussed with industry representatives and associations, but has not been released to the public because the Department wanted to get the Board's opinion prior to releasing the information. Mr. Harrell stated this plan will be presented during this month's General Session meeting by the Director of the Division of Regulation, Jerry Wilson, for input and feedback. Mr. Harrell stated that Mr. Wilson is currently in Orlando at the Southeastern Building Conference show giving a presentation on unlicensed activity to the Homebuilders' Association, and was unable to attend today's proceedings. Mr. Harrell stated that the Department regularly rents booths at trade shows throughout the State in an effort to educate and inform the public on the dangers of unlicensed contracting. Mr. Harrell stated that, in the past, the Deputy General Counsel of the Department travelled to every State Attorney's Office in the state to garner support for criminal prosecution of unlicensed activity, and the idea of bringing civil judgments against unlicensed contractors was floated, but was determined to not be cost effective. Mr. Harrell also stated that it is a significantly larger deterrent to prosecute someone criminally than to impose an administrative fine against someone who is not going to pay it anyway. Mr. Harrell stated that the main goal is compliance with licensing laws for people who have been found to have committed a first time offense. Mr. Harrell stated that he thinks the Department needs to do a better job of communicating these activities to the Board.

Mr. Harrell moved on to the issues of experience verification, and reminded the Board of past issues with fraudulent verification of experience. Mr. Harrell stated that the Department's attempts to prosecute the fraudulent verifiers were practically impossible. Mr. Harrell also reminded the Board what they are authorized by Statute to require of an applicant and requiring verification of experience by a third party is not within their statutory authority. Mr. Harrell reminded the Board that the application forms currently being used were approved by the Board, and Mr. Harrell stated that all of the letters Mr. Dudley referred to regarding communication between JAPC and the Department on the applications were shown to the Board as part of the Rules Report distributed every month. Mr. Harrell stated he has received assurances from the Department's Director of Legislative Affairs that no legislative bills concerning the CILB's practice act will be filed in the future without first being brought to the Board for their input. Mr. Harrell stated that the Board was kept advised of all issues in the previous legislative session, and that the Governor's office, who determines the Department's, and thus the Board's, legislative agenda has given the Department special permission to bring potential bill's to the Board for their suggestions. Mr. Harrell stated that the only legislative ideas that Mr. Winters has received has been from Mr. Lenois, and asked if any other Board Members have submitted legislative ideas to Drew. Mr. Harrell stated those ideas will be passed on; whether or not they will be approved by the Department of Senior Management or The Governor's Office he can't answer, but he can tell the Board that the Governor's agenda in the future will be job creation, and the new application forms have been so successful in dropping the deficiency rate of applications that it's unlikely any changes will be made. Mr. Harrell stated that this Board has drastically increased the efficiency with which the Department processes applications; they worked for a long time to resolve the "Financial Stability and Responsibility" issues, and promulgated a rule which

satisfies those concerns and keeps those applications from appearing in front of the Board. Mr. Harrell also reminded the Board that the pre-licensure education issue was worked on for many years, and was a very unique situation faced by the CILB. Mr. Harrell stated that he agrees with Mr. Dudley, in that if the Board wants to address these problems, he suggests creating an Ad Hoc Committee to solve one problem at a time. Mr. Harrell stated that it appears the Board's main issue at this point is unlicensed activity, so he suggests creating an Ad Hoc Committee for next month to discuss possible solutions to the problem and to get additional feedback from the Division of Regulation and the industry. Ms. Watts made a motion to hold an Ad Hoc Committee meeting at next month's meeting to discuss unlicensed activity issues, and volunteered to Chair the Committee. The motion was seconded by Mr. Lenois, and approved by the Board.

Ms. Watts offered some additional comments in response to Mr. Harrell's points. Ms. Watts expressed displeasure with the fact that the additional \$250,000 budget was gone over with trade associations prior to discussion with the Board. Mr. Harrell stated this was simply a timing issue, as the bill passage and trade association involvement only happened prior to the Board's involvement because of when the Board convened. Mr. Harrell reminded the Board that the final plan will not be implemented until the Board has offered input. Ms. Watts proceeded by saying that she takes issue with the policies being implemented by the Governor's office, and stated that more contractors does not equal more business. Ms. Watts suggested someone meet with the Governor's Office and let them know that this is illogical. Ms. Watts stated that industry experts need to be solicited for their opinion on how to best create work within their industry. Mr. Harrell stated that the Department can certainly pass that on and reminded the Board that the Governor's Office is not advocating licensing individuals who do not meet the requirements. Ms. Watts stated that there is not enough work for individuals already licensed in the State and bringing in more competition is not conducive to advancing the industry.

Mr. Kane stated that his opinion is that the Board should affect what's within their ability to affect. Mr. Kane stated the only way to affect unlicensed activity in this State is to penalize the consumer for employing unlicensed contractors, which he doesn't believe will ever happen. Mr. Kane stated he feels it's his obligation to protect the interests of the citizens of Florida and his opinion is that the best way to protect the interest of the citizens is not to issue licenses to individuals who have not demonstrated they have met the requirements. Mr. Kane stated that in his short duration on the Board, he has felt the Board's ability to enforce that has diminished.

Mr. Del Vecchio stated he understands Ms. Watts' concerns in retaining as much work as possible for currently licensed individuals, and that he agrees that there is probably not enough work to support the amount of contractors already licensed in the State. Mr. Del Vecchio stated that the solution to both of these problems was articulated earlier in the meeting and that is what the Board issues is a Certificate of Competency, and those individuals actually need to be competent. Mr. Del Vecchio stated that the issue is not that an individual did come from somewhere else, but that the place they came from may have had a lower standard for licensing, and the threat of lowering the industry standard in Florida in order to issue this person a license. Mr. Del Vecchio stated that the new

application forms are a problem as it allows individuals who are not properly qualified to just check the right box and be issued a license.

Mr. Sheehan stated that out of state contractors do not have the experience in building techniques used in the majority of construction in Florida, and it does not make sense to him how some of these people can be issued a license.

Ms. Watts requested written feedback be provided by all of the associations in attendance.

With nothing further to discuss Mr. Moody adjourned the meeting.

OLD BUSINESS

Removal of old materials from laptop.

NEW BUSINESS

Mr. Sheehan thanked the Florida Construction Industry Management Corporation for appearing and giving their presentation.

With no further business the meeting was adjourned at 12:27 pm.