

## **Building and Construction Advisory Committee Minutes**

The Brevard County Building and Construction Advisory Committee (BCAC) met on Wednesday, February 8, 2023, at 1:00 p.m., in the Space Coast Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

Members present: Scott Carswell, District 2; Mike Jaffe, District 3; Ralph Durham, Vice Chair, District 4; and Bruce Moia, Chair, District 5

Staff present: Billy Prasad, Strategic Operations Manager; Tad Calkins, Planning and Development Director; Terry Talbert, Building Official; and Jennifer Jones, Special Projects Coordinator.

The Vice Chair, Ralph Durham, called the meeting to order at 1:00 p.m.

### **Approval of December 14, 2022, Minutes**

Motion by Mike Jaffe, seconded by Scott Carswell, to approve the minutes of December 14, 2022. The motion passed unanimously.

### **Amendments to Chapter 22, Article VI, Contractors**

Billy Prasad stated the proposed ordinance change is in response to House Bill 735, that was passed by the Legislature on April 7, 2021. On May 18, 2021, the Board of County Commissioners pre-emptively de-regulated a lot of the things the State otherwise would have forced the County to do anyway. That action included floor coverings, tile framing, masonry, and painting contractors. Subsequent to that, HB 735 was signed by the Governor. In order to respond, staff worked with the County Attorney's Office to draft an ordinance meeting the criteria of the bill, and in May of last year, the Contractor Licensing Board recommended that the County Commission amend the ordinance as narrowly as possible, including investigating ways to continue regulating electrical contractors, because at the time there were some questions about whether the bill reached them or not. The pre-emption will take effect July 2023, and that is the timeline staff is trying to give the contractors and affected community as adequate notice of the change. House Bill 735 amended four sections of Statute. The first is a general pre-emption in Chapter 163, that states, "The licensing of occupations is expressly pre-empted to the State, and this section supersedes any local government licensing required". The only two exceptions are that existing regulations are grandfathered until July 2023, and any local government licensing of occupations authorized by general law. Basically, what that means is that in order for the County to continue regulating any trade, staff has to comb through the Florida Statutes and find authorization that says a trade can continue to be regulated, which is what staff has done. The second section created an authorization to certain construction trades, and it also whitelisted journeymen. Staff took every trade that the County currently licenses and tried to find an authorized trade that would correspond. Going forward, under this proposal, staff will refer directly to the definition in Statute, and if that changes, then staff's definition will also automatically change. In some cases, there were some significant changes, such as stucco contractors are expressly pre-empted from the bill, so staff will no longer be able to continue to regulate stucco contractors. Another example is fence contractors; the closest staff could find to substantially correspond to a State trade was the State's definition of a specialty structure contractor, and in that definition, it specifically mentions aluminum and vinyl fencing. In working with the County Attorney's Office, staff felt like it could continue to regulate that trade as aluminum and vinyl fencing contractors, but all other fence contractors will only require a Business Tax Receipt going forward to be able to pull a permit. Going back to the Contractor Licensing Board, at the time, staff wasn't sure if it could continue regulating electrical trades, so staff contacted DBPR, which is an electrical trade board, and their interpretation is that they don't believe the bill reached that and they will continue to register County electrical trades licenses at the State level until they are told otherwise. Based on that guidance from DBPR,

staff is leaving the electrical trades as-is in the amended ordinance. Some other things in the ordinance is that in order to prevent any confusion or to make things transition as smoothly as possible, there will be an automatic transferal of most of the trades to the new re-classified trades. There will be some educational outreach to ensure people understand what is happening. Next week, staff will bring the item to the Contractor Licensing Board for questions and comments, and in March, staff will present the item to the Board of County Commissioners.

Ralph Durham stated he knows there is nothing that can be done, but he believes there will be future complaints to the County and the State based on people doing stucco work who are not regulated anymore.

Mr. Prasad stated unfortunately, that is one of the trades that is expressly listed in the Statute that the County can no longer regulate.

Motion by Mike Jaffe, seconded by Scott Carswell, to approve the amendments to Chapter 22, Article VI, Contractors.

Ralph Durham called for a vote on the motion and it passed unanimously.

### **Building Code Monthly Review**

Tad Calkins, Planning and Development Director, stated he understands the timeframe it takes to get septic tanks and septic permits approved has been an ongoing issue for contractors as well as Brevard County. He said he spoke to Senator Mayfield and DEP about looking at ways the County can help to reduce some of that timeframe. Staff will be looking at ways to co-fund some positions that help them add staff, and hopefully that will expedite some of the septic tank permit turnaround and backlog.

Ralph Durham asked if it became a greater issue with the use of nitrogen reducing systems. Mr. Calkins stated he believes that helped contribute to it, and also the overall workforce decline, the growth, and the number of permits that staff is dealing with. He stated the County Manager was part of the conversation and he would like to look into it to see what kind of opportunities the County has to fix the problem.

### **Building Code Monthly Report**

Terry Talbert, Building Official, stated there has not been any slow down with inspections; staff did more inspections January 2023 than the last two Januarys. The number of roofing permits issued has stayed the same, and unless there is another storm, that will not change. He said multi-inspection requests have increased through the BASS system. He said with single-family residences, year-to-date, they are starting to come down a little from December 2022, and with interest rates going up, it will slow down, but commercial and multi-family is very busy. As for monthly inspection requests, there are more coming through the BASS system. The number of permits issued is down a little from last month, but it is still high, at 2,000 permits per month.

### **Adjournment**

The meeting was adjourned at 1:16 p.m.