

EXECUTIVE SUMMARY

Florida Building Code Administrators and Inspectors Board

I. General Information

Meeting Type: Application Committee, Examination and Continuing Education Committee, Rules and Legislation Committee, Executive Committee, and General Business Meeting

Meeting Date: Tuesday, February 10, 2009, through Friday, February 13, 2009

Meeting Location: Homewood Suites
8745 International Drive
Orlando, Florida 32819

Attendees:

Bob McCormick, Chair
Nick Sasso, Vice Chair
Fred Dudley
Dennis Franklin
Richard Gathright
Bob Kymalainen
Rob Nagin

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Elise Rice, Government Analyst, DBPR
Ann Cocheu, Assistant Attorney General, Office of the Attorney General
April Skilling, Deputy General Counsel, DBPR
Libby Duffy, Assistant General Counsel, DBPR
Doug Harvey, Building Officials Association of Florida (BOAF)
Robert von Kampen, International Code Council (ICC)
Jane Waddel, Contractors Institute
Sharon Mignardi, Cutstone Learning, LLC
Joe Rebuck, Gold Coast School of Construction
Dianna Garcia, Court Reporter
Other Interested Parties

II. Major Issues/Actions

- The Application Review Committee approved 49 applications for licensure, denied 56 applications for licensure, and ratified an additional 26 applications. The board conducted informal hearings for licensure matters, upheld eight previously denied applications, and approved six previously denied applications.
- The Examination and Continuing Education Committee approved 24 continuing education course applications and denied six continuing education course applications.

- Ms. Libby Duffy, Assistant Attorney General, informed the board that the Administrative Law Judge in Case Number 08.2108PL, Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board vs. Robert Kegan, issued a recommended order dismissing the disciplinary case against Mr. Kegan. The board voted to accept the recommended order.
- Ms. April Skilling, Deputy General Counsel, provided the board with a list of LicenseEase status codes, a report showing the number of cases in non-public statuses, a report showing the number of building code unlicensed activity cases, and a report listing all public building code cases. Mr. Fred Dudley suggested a legend be included on the public building code case report listing the LicenseEase status codes. He also suggested that a flow chart be prepared showing the progression of LicenseEase status codes. Ms. Skilling indicated that she will bring copies of a previously prepared flow chart to the next meeting. Ms. Skilling indicated that future complaints filed by board members will need to include the board member's name as the complainant.
- Mr. Rob Nagin indicated that he is aware of 32 bills that have been filed relating to the building code industry. He will forward his report of all bills to staff for e-mailing to all board members. Ms. Robyn Barineau, Executive Director, indicated that she would also watch for any bills that impact Chapter 468, Part XII, Florida Statutes.
- Ms. Ann Cocheu, Assistant Attorney General, will move forward with the publication of a Notice of Rule Development amending Rule 61G19-6.016, Florida Administrative Code, to require an examination for modular inspector and modular plans examiner licenses.
- Ms. Cocheu will move forward with the Notice of Change to Rule 61G19-7.002, Florida Administrative Code, to include the Web address of the training program form as required by the Joint Administrative Procedures Committee (JAPC). Board staff will provide the Web address and form numbers to Ms. Cocheu.
- Vice Chair Nick Sasso asked the board what constitutes good moral character. Mr. Dudley mentioned that several other boards define good moral character in their laws and rules. The board will discuss the creation of a definition for good moral character at their next meeting. The board asked Ms. Cocheu to research Chapter 489, Parts I and II, Florida Statutes, for possible good moral character definitions and bring her findings back at the April meeting.
- The board asked that a bulletin be placed on their Web site with a reminder that limited licensees are invalid if the limited licensee's employer or duties and/or responsibilities of the limited licensee change. A limited license becomes invalid and the holder must apply for standard certification if they change employers or job responsibilities. The board also asked that the same message be relayed to the Building Officials Association of Florida (BOAF) for posting on their Web site and that an insert be included with the upcoming renewal notices. Chair McCormick agreed to develop language for the notice.
- The board briefly discussed Rule 61G91-9.001(4), Florida Administrative Code, relating to continuing education for biennial renewal. They will discuss this rule again at the April meeting to determine if the rule should be amended to eliminate the requirement that all laws and rules courses must contain subject matter relating to Chapters 320, 468, 553, 471, 481, 489 and 713, Florida Statutes, and their associated rules in the Florida Administrative Code.
- Ms. Barineau distributed a report provided by Mr. Jerry Wilson of the Division of Regulation listing types of cases closed by the Division of Regulation as legally insufficient and possible violations where an individual could be issued a citation or

notice of non-compliance. Vice Chair Sasso asked that Ms. Duffy be present when the board discusses these issues. Ms. Barineau will ask Ms. Duffy to be present for this discussion at the April meeting.

- At their December meeting, the board asked Ms. Cocheu to research the term “employee” and determine whether or not a legislative change was necessary to include a definition in the board’s practice act. Ms. Cocheu reported that there were many definitions of the term “employee” in many areas within the statutes. She indicated that legislative action may be necessary to define “employee” in the board’s practice act. No action was taken by the board.
- Based on comments from Mr. Dudley at the December meeting, the board asked Ms. Cocheu to research whether or not they should authorize applicants who are architects, engineers, contractors or building code administrators to certify their own work experience. Ms. Cocheu indicated that there is no problem with this practice.
- Ms. Cocheu indicated that oral arguments have not been scheduled by the District Court of Appeals in the Lanny Walker matter.
- The board agreed to continue the Rule Development Workshops for Rules 61G19-5.006 and 61G19-5.007, Florida Administrative Code, until the April meeting.
- Ms. Cocheu will move forward publishing language to amend Rule 61G19-5.002, Florida Administrative Code, to increase the maximum penalty in the disciplinary guidelines to \$5,000 per offense.
- Dr. Rob von Kampen, International Code Council (ICC), informed the board that ICC could offer computer-based testing (CBT) examinations four times in a six-month period to all candidates if the pencil-and-paper administrations were eliminated. Ms. Barineau will work with the Bureau of Education and Testing on the implementation.
- The next board meeting will be conducted in Jacksonville, Florida, from Tuesday, April 7, through Friday, April 10, 2009.

III. Legislation/Rule Promulgation

- Ms. Cocheu will move forward with the publication of a Notice of Rule Development amending Rules 61G19-6.016 and 61G19-9.001, Florida Administrative Code.
- Ms. Cocheu will move forward with the Notice of Change to Rule 61G19-7.002, Florida Administrative Code.
- The board agreed to continue the Rule Development Workshops for Rules 61G19-5.006 and 61G19-5.007, Florida Administrative Code, until the April meeting.
- Ms. Cocheu will move forward with publishing language to Rule 61G19-5.002, Florida Administrative Code.

IV. Action Required

- Ms. Cocheu will prepare final orders and notices of intent to deny and forward them to board staff for filing with the Agency Clerk.
- Ms. Cocheu will prepare the final order in the Kegan case and forward it to board staff for filing with the Agency Clerk.
- Ms. Skilling will bring a flow chart of the progression of LicenseEase status codes to the next meeting.
- Mr. Nagin will forward his report of all building code industry bills filed, to date, to staff for e-mailing to all board members.

- Ms. Barineau will monitor any bills that impact Chapter 468, Part XII, Florida Statutes.
- Board staff will forward the Web address and form numbers to Ms. Cocheu for publishing with the Notice of Change for Rule 61G19-7.002, Florida Administrative Code.
- The board will discuss the creation of a definition for good moral character at their next meeting. The board asked Ms. Cocheu to research Chapter 489, Parts I and II, Florida Statutes, for possible good moral character definitions and bring her findings back at the April meeting.
- Chair McCormick will draft a bulletin regarding limited licenses for posting on the board's Web site, on the BOAF Web site, and for inclusion with the upcoming renewal notices.
- Ms. Barineau will ask that Ms. Duffy be present at the April meeting when the board discusses types of cases closed as legally insufficient and possible citations and notices of non-compliance.
- Ms. Barineau will meet with the Bureau of Education and determine when the implementation of computer-based testing only for candidates can be administered.

Robyn Barineau
Executive Director
February 16, 2009