

## **EXECUTIVE SUMMARY**

### **Florida Building Code Administrators and Inspectors Board**

#### **I. General Information**

Meeting Type: Probable Cause Panel Meeting, Application Committee, Examination and Continuing Education Committee, Rules and Legislation Committee, Executive Committee, and General Business Meeting  
Meeting Date: Tuesday, April 13, 2010, through Friday, April 16, 2010  
Meeting Location: Floridays Resort  
12562 International Drive  
Orlando, Florida 32821

Attendees:  
Bob McCormick, Chair  
Art Barthlow  
Dennis Carpenter (Thursday session only)  
Gerry Demers  
Richard Gathright  
Bob Kymalainen  
Orlando Lamas

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)  
Elise Rice, Government Analyst, DBPR  
Tim Dennis, Assistant Attorney General, Office of the Attorney General  
Libby Duffy, Assistant General Counsel, Office of the General Counsel, DBPR  
Doug Harvey, Building Officials Association of Florida (BOAF)  
John Faranelli, BOAF  
Jane Waddill, Contractors Institute  
Robert von Kampen, International Code Council (ICC)  
Sean Depasquale, Court Reporter  
Other Interested Parties

#### **II. Major Issues/Actions**

- Chair Bob McCormick excused the absences of Vice Chair Nick Sasso and Mr. Fred Dudley from the entire meeting and Mr. Dennis Carpenter from the Friday meeting.
- The Application Review Committee approved 48 applications for licensure and denied 57 licensure applications. Chair McCormick read a list of all licensure applications denied by the Application Review Committee. The board approved the action of the Application Review Committee and ratified an additional 11 applications for licensure.
- The board conducted informal hearings for licensure matters, approved 12 previously denied applications, upheld the denial of 12 previously denied applications, and deferred action on one application until the June meeting.

- The board approved 36 continuing education courses and denied eight continuing education courses.
- The board approved 18 cross-training courses submitted by BOAF.
- Ms. Libby Duffy, Assistant General Counsel, reported that as of April 6, 2010, there were 12 public building code cases and 15 private building code cases in the Office of the General Counsel. The board agreed to allow Ms. Duffy to continue to process any year-old disciplinary cases.
- The board discussed inviting Respondents in disciplinary cases to future Probable Cause Panel meetings when their cases are being considered. Mr. Tim Dennis, Assistant Attorney General, will research this topic for discussion at the June meeting.
- Mr. Richard Gathright provided the board with a list of bills which have been filed relating to the building/building code industry.
- Mr. Dennis informed the board that he met with department representatives regarding suggested penalties for licensees who fail to report a criminal conviction as required by Section 455.227(1)(t), Florida Statutes. He offered the following suggested penalties:
  1. Late reporting (more than 30 days from conviction or nolo contendere or guilty plea) – Fifty (\$50.00) dollar citation.
  2. Failure to report and the crime not related to building code administration, inspection, or plans examination – Five hundred (\$500.00) dollar citation; and
  3. Failure to report a criminal conviction related to building code administration, inspection, or plans examination – Open a case against the licensee for the conviction, *i.e.*, pursuant to Rule 61G19-5.002(2)(e), and include a charge for failure to report the violation.

The board agreed with Mr. Dennis' proposal and asked that he proceed with rulemaking.
- Chair McCormick presented former board member Mr. Dennis Franklin with a plaque honoring his years of service on the Building Code Administrators and Inspectors Board.
- The board discussed Rule 61G19-6.0036, Florida Administrative Code – Application for Certification Review. The board agreed that all endorsement applications, all building code administrator applications, all provisional applications, and all voluntary category applications should be forwarded to the board for review. Mr. Dennis will draft these rule amendments for discussion at the June meeting.
- In Vice Chair Nick Sasso's absence, the board tabled the discussion of Rule 61G19-9.001, Florida Administrative Code – Continuing Education for Biennial Renewal, until the June meeting. Vice Chair Sasso previously suggested including Chapter 455, Florida Statutes, as a requirement to be covered in the laws and rules requirement for continuing education. He also suggested that the board require that one of the two required hours of laws and rules continuing education be required to cover Chapter 468, Part XII, Florida Statutes, and Chapter 61G19, Florida Administrative Code.
- At the February meeting, the Building Officials Association of Florida (BOAF) provided a letter for consideration relating to Rule 61G19-6.0035, Florida Administrative Code – Application for Provisional and/or Standard Certification. BOAF suggested that there is confusion with the five years of experience requirement and asked that this rule be workshopped at a future meeting. Mr. Richard Gathright also suggested that Rule 61G19-1.009, Florida Administrative

Code – Definitions, be discussed at a workshop. The board agreed to conduct a rules workshop in conjunction with their June meeting.

- Mr. Dennis referred the board to a letter included in the agenda from Ms. Robin M. Hatcher, City Clerk with the City of Bristol. Ms. Hatcher requested that the board inform her whether or not Mr. Dickie Stanley would be qualified to serve as the contracted Building Code Administrator for the City of Bristol as Mr. Stanley was issued a Provisional Building Code Administrator's license while employed with the Liberty County Board of County Commissioners. Mr. Dennis informed the board that he sent a response to Ms. Hatcher indicating that this situation would best be handled through a request for a declaratory statement from Mr. Stanley. No action was necessary by the board.
- The board denied the request of Mr. Rolando Necuze to reinstate his limited licenses.
- The board denied the request of Mr. Todd Wax to extend the life of his provisional licenses.
- Dr. Robert von Kampen, ICC, gave a brief overview of ICC's role in examinations, psychometrics, standards, item terminology and statistical reviews.
- Ms. Robyn Barineau, Executive Director, informed the board that the balance in their operating account as of December 31, 2009, was \$1,156 million, and the balance in their unlicensed activity account as of December 31, 2009, was \$252,917.
- Ms. Barineau informed the board that the building safety bill sponsored by Rep. Aubuchon includes language to change the methodology for calculation of surcharge payments. She indicated that 1 ½ cents of the cost of each permit would be paid to the department as surcharge. She added that the proposal includes a split of the amount collected with the Homeowner's Recovery Fund. Ms. Barineau informed the board that the department is still analyzing this legislation.

### **III. Legislation/Rule Promulgations**

- Mr. Dennis will move forward with rulemaking to incorporate penalties for late reporting of criminal convictions.
- Mr. Dennis will move forward with amendments to Rule 61G19-6.0036, Florida Administrative Code - Application for Certification Review, for discussion at the June meeting.
- Mr. Dennis will open Rule 61G19-6.0035, Florida Administrative Code – Application for Provisional and/or Standard Certification, for discussion at the June meeting.
- Mr. Dennis will open Rule 61G19-1.009, Florida Administrative Code – Definitions, for discussion at the June meeting.

### **IV. Action Required**

- Mr. Dennis will prepare final orders and notices of intent to deny and forward them to board staff for filing with the Agency Clerk.
- Mr. Dennis will research inviting Respondents in disciplinary cases to future Probable Cause Panel meetings when their cases are being considered. This issue will be discussed at the June meeting.

- The board will conduct a rules workshop at their June meeting to discuss Rule 61G19-6.0035, Florida Administrative Code - Application for Provisional and/or Standard Certification.
- Vice Chair Sasso's suggestions regarding the laws and rules continuing education requirement will be included in the June agenda.

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Robyn Barineau  
Executive Director  
April 21, 2010