

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, February 9, 2010, through Friday, February 12, 2010
Meeting Location: Casa Monica Hotel
95 Cordova Street
St. Augustine, Florida

Attendees:

Bob McCormick, Chair
Nick Sasso, Vice Chair
Art Barthlow
Dennis Carpenter
Gerry Demers
Fred Dudley
Richard Gathright
Bob Kymalainen
Orlando Lamas (Thursday session only)

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)

Elise Rice, Government Analyst, DBPR

Katharine Dodson, Administrative Assistant, DBPR

Tim Dennis, Assistant Attorney General, Office of the Attorney General

Doug Harvey, Building Officials Association of Florida (BOAF)

John Faranelli, BOAF

Joe Rebeck, Gold Coast School of Construction

Jane Waddill, Contractors Institute

Darren Elkind, Attorney for Jay Abel

Jay Abel

Matthew McDonald

Matt Adair

Bob Bass

Bill Dumbaugh

Joe Crum

Lisa Beauchamp, Court Reporter

Other Interested Parties

II. Major Issues/Actions

- Chair Bob McCormick excused the absence of Mr. Orlando Lamas from the Friday meeting.

- The Application Review Committee approved 34 applications for licensure and denied 49 licensure applications. Mr. Tim Dennis, Assistant Attorney, 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 one previously denied application and deferred action on two other applications until the April meeting.
- The board reviewed one continuing education course that was approved with conditions at the December board meeting.
- The board approved 36 continuing education courses and denied six continuing education courses.
- The board approved the request of the Building Officials Association of Florida to authorize ten hours of continuing education credit for any attendee who completes their Building Plans Examiner Foundation Program Training course.
- The board denied two cross-training programs submitted by Safebuilt Florida, Inc.
- Regarding DOAH Case No. 09.3176, Jay Douglas Abel vs. Building Code Administrators and Inspectors Board, the board reviewed the Recommended Order submitted by Administrative Law Judge Barbara J. Staros and Respondent Florida Building Code Administrators and Inspectors Board's Exceptions to the Recommended Order submitted by Mr. Dennis. The board approved Mr. Dennis' exceptions to paragraphs 28, 29 and 30 of the Administrative Law Judge's Recommended Order.
- Ms. Libby Duffy, Assistant General Counsel, reported that as of February 8, 2010, there were 11 public 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.
- Mr. Richard Gathright provided the board with a list of bills which have been filed relating to the building/building code industry.
- Ms. Barineau mentioned the department's new form for a licensee to report a criminal conviction, a new requirement in accordance with Section 455.227(1)(t), Florida Statutes. As requested by Mr. Jerry Wilson, Director of the Division of Regulation, the board should consider how to handle late reporting of a criminal conviction. Mr. Dennis and Ms. Duffy will meet with Director of Regulation Jerry Wilson and come back to the April meeting with suggestions.
- Mr. Dennis informed the board that Rule 61G19-6.0036, Florida Administrative Code – Application for Certification Review, should be effective February 22, 2010. BOAF provided a letter for consideration relating to this topic, and the board agreed to include the BOAF letter in the next agenda for further discussion in April.
- The board agreed to repeal Rule 61G19-5.004(2), Florida Administrative Code – Final Orders, relating to the requirement that the board chair be required to sign all final orders.
- The board agreed to discuss Rule 61G19-9.001, Florida Administrative Code – Continuing Education for Biennial Renewal, at the April meeting. Vice Chair Sasso made several suggestions to include Chapter 455, Florida Statutes, as a requirement to be covered in the laws and rules requirement for continuing education. Vice Chair Sasso 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. Vice Chair Sasso's suggestions will be included in the April agenda.

- The board asked Ms. Barineau to relay to the department their desire to make a change to Chapter 468, Part XII, Florida Statutes, reducing the life of a provisional certificate from the current three to five years to one to five years. Ms. Barineau reminded the board that this issue has previously been discussed and that BOAF agreed to move this legislative amendment. Mr. Doug Harvey, BOAF Executive Director, advised the board that BOAF has submitted this legislative proposal for consideration during the 2010 legislative session.
- The board denied Mr. Brian Scheuer's request to reinstate his null and void license.
- The board asked that copies of the application review list be provided to the entire board at each meeting.
- Mr. Dennis indicated that the Joint Administrative Procedures Committee (JAPC) has informed another licensing board that they have no authority to verify work experience. The board asked Mr. Dennis to research their statute to ensure there is authority to verify work experience and if not, that Chair McCormick, Ms. Barineau and Mr. Dennis prepare a letter to the department for assistance with a statutory change.
- Ms. Barineau, Mr. Dennis and Ms. Duffy conducted board member training.

III. Legislation/Rule Promulgations

- Mr. Dennis will move forward with noticing Rule 61G19-6.0036, Florida Administrative Code – Application for Certification Review, for discussion at the April meeting.
- Mr. Dennis will move forward with the repeal of Rule 61G19-5.004(2), Florida Administrative Code – Final Orders.

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 and Ms. Duffy will meet with Director of Regulation Jerry Wilson and come back to the April meeting with suggestions relating to late reporting of criminal convictions.
- The letter from BOAF regarding Rule 61G19-6.0036, Florida Administrative Code – Application for Certification Review, will be included on the April agenda.
- Vice Chair Sasso's suggestions regarding the laws and rules continuing education requirement will be included in the April agenda.
- Ms. Barineau will relay to the department the board's desire to make a change to Chapter 468, Part XII, Florida Statutes, reducing the life of a provisional certificate from the current three to five years to one to five years.
- Copies of the application review list will be provided to the full board at each meeting.
- Chair McCormick, Ms. Barineau and Mr. Dennis will prepare a letter to the department for assistance with a statutory change should Mr. Dennis find that the board has no statutory authority to verify applicant work experience.

Robyn Barineau
Executive Director
February 14, 2010