

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, October 14, 2008, through Friday, October 17, 2008

Meeting Location: Hilton Ocala
3600 S.W. 36th Avenue
Ocala, Florida 34474

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

Elise Rice, Government Analyst, Department of Business and Professional Regulation

Ann Cocheu, Assistant Attorney General, Department of Legal Affairs

Doug Harvey, Building Officials Association of Florida (BOAF)

Jane Waddel, Contractors Institute

Sharon Mignardi, Cutstone Learning, LLC

Doug Sucik, International Code Council (ICC)

John Faranelli, ICC

Joe Rebuck, Gold Coast School of Construction

Joe Olinick, England Enterprises

Gordon Don Brindley, Gordon Don Brindley, Inc.

Marla Dieffenwierth, Court Reporter

Other Interested Parties

II. Major Issues/Actions

- The Application Review Committee approved 64 applications for licensure, denied 65 applications for licensure, and ratified an additional 35 applications. The board conducted informal hearings for licensure matters, upheld ten previously denied applications, and approved seven previously denied applications.
- The Examination and Continuing Education Committee approved 16 continuing education course applications, denied two continuing education course applications,

and five continuing education course applications were withdrawn for consideration by the provider.

- Regarding case number 2007.067928 against Mr. John Michael Darley, Ms. Libby Duffy, Assistant General Counsel, asked that the case be pulled from the agenda for presentation at a later meeting.
- Regarding case number 2007.052961 against Mr. Phillip W. Mastrosimone, the board imposed the following penalties: costs of \$97.21, reprimand, and probation for one year which includes his appearance at one board meeting.
- Regarding case number 2007.039112 against Mr. Sumner Bowman, the board imposed the following penalties: costs of \$83.34 and voluntary relinquishment of license PBP763.
- Ms. Duffy will provide a Prosecuting Attorney Report to board staff for dissemination to all members. She will ensure that this report and the Closed Case Report are including in future agendas.
- The board agreed to move forward with the development of Rule 61G19-6.016, Florida Administrative Code, to include language to require an examination for modular inspector and modular plans examiner licenses.
- The board agreed to discuss their disciplinary guidelines at the next meeting to ensure they are current and complete. The board asked Ms. Cocheu to review their disciplinary guidelines for consistency and notice the disciplinary guidelines rule, Rule 61G19-5.002, Florida Administrative Code, for discussion at the next meeting.
- Ms. Cocheu will move forward with the amendment to Rule 61G19-7.002(1), Florida Administrative Code, to include the proper form number in the rule.
- Chair Bob McCormick previously asked the board for their thoughts on Section 468.603(1), Florida Statutes, "One person employed by each municipal or county government as a building code administrator or building official and who is certified under this part may be authorized to perform any plan review or inspection for which a certification is required by this part," as he is concerned that a single individual may have difficulty staying educated to perform all services if they are employed by a third party or if they provide services for more than one jurisdiction. After some discussion, the board agreed that Chair McCormick should include language in the upcoming newsletter reminding licensees of this provision. The board discussed the term "employee" and asked Ms. Cocheu to research this term for its applicability throughout the board's practice act and determine if legislation is necessary to define "employee" in the chapter.
- The board previously discussed the accountability of recordkeeping in building departments as there are currently no standards for protection of records. The board's former prosecutor had indicated that data manipulation is becoming a problem in disciplinary matters, and the board asked Ms. Cocheu to research this matter to determine if the board can require that every inspector personally verify their inspections and if this can be done through a rule or if a statutory change would be necessary. Ms. Cocheu informed the board that a legislative change would be necessary.
- Ms. Robyn Barineau, Executive Director, informed the board that as of June 30, 2008, the board's operating account balance was \$351,753, and the board's unlicensed activity account balance was \$201,690.
- Mr. Doug Sucik, International Code Council (ICC), informed the board that more and more building code applicants are taking technical examinations via computer-based testing (CBT) at multiple Florida locations, and fewer applicants are taking the examination by paper-and-pencil administration. The new modular inspector and

plans examiner examination forms were launched in September 2008. The board previously asked if the paper-and-pencil administrations were eliminated, could ICC offer more CBT administrations to candidates. Mr. Sucik indicated that the ICC board would need to consider this proposal as two CBT administrations per candidate is a national standard for ICC. Mr. Sucik will keep the board apprised of the ICC board's consideration of this request.

- The next board meeting will be conducted in Tallahassee, Florida, from Tuesday, December 9, through Friday, December 12, 2008.

III. Legislation/Rule Promulgation

- Ms. Cocheu will move forward with publication of rule development for Rule 61G19-6.016, Florida Administrative Code, to require examinations for licensure as a modular inspector and a modular plans examiner.
- Ms. Cocheu will move forward with publication of rule development for Rule 61G19-5.002, Florida Administrative Code, for discussion at the next meeting.
- Ms. Cocheu will move forward with the amendment to Rule 61G19-7.002(1), Florida Administrative Code, to include the proper form number in the rule.

IV. Action Required

- Ms. Cocheu will prepare final orders and notices of intent to deny and forward to board staff for filing with the Agency Clerk.
- Ms. Duffy will provide a Prosecuting Attorney Report to board staff for dissemination to all members. She will ensure that this report and the Closed Case Report are including in future agendas.
- Ms. Cocheu will review the board's disciplinary guidelines rule, Rule 61G19-5.002, Florida Administrative Code, for inconsistencies and be prepared to discuss this rule at the next meeting.
- Ms. Cocheu will move forward with the amendment to Rule 61G19-7.002(1), Florida Administrative Code, to include the proper form number in the rule.
- Chair McCormick will include in his article for the upcoming newsletter a reminder to all licensees regarding Section 468.603(1), Florida Statutes.
- Ms. Cocheu will research the term "employee" and determine whether or not a legislative change is necessary to include a definition in the board's practice act.
- Mr. Sucik will keep the board informed as to whether or not more CBT administrations could be offered for the technical examinations.
- Ms. Barineau will organize a meeting in December with the board, Division of Regulation staff, and Ms. Duffy to discuss closure of complaints.

Robyn Barineau
Executive Director
October 20, 2008