

## **MINUTES OF THE MEETING**

### **BUILDING CODE ADMINISTRATORS AND INSPECTORS BOARD FLORIDAYS RESORT 12562 INTERNATIONAL DRIVE ORLANDO, FL DECEMBER 4 - 6, 2013**

**December 4, 2013**

#### **APPLICATION REVIEW COMMITTEE**

##### **CALL TO ORDER**

Mr. Gathright, Chair of the Committee, called the meeting to order at 9:04 a.m.

##### **Members Present**

Richard Gathright, Chair  
Art Barthlow  
Wayne Francis  
Bob McCormick

##### **Others Present**

Elise Rice, Government Analyst  
Clark Jennings, Board Counsel  
Marcel Juhas, Osceola County  
Robert Deathridge, Osceola County  
Carl Bradley, Sarasota County  
Stephen Ferracci, Sarasota County  
Danny Wear, Sarasota County  
Kevin Tschirhart, City of Gainesville  
Michael Jenkins, Hillsborough County  
Juan Reina-Perez, Hillsborough County  
Cary Smith, Hillsborough County  
Gary Gerdes, Hillsborough County  
Karl Baumann  
James Wiggers, Hillsborough Community College  
Michael Matison, City of Auburndale  
Philip C. Smith, City of Pinellas Park  
Al Smythe, Wakulla County  
James Melvin, Wakulla County  
Alejandro Rivera-Castro, City of Miami  
Randy Aldridge, Winter Haven  
Linda Kalkhurst, Court Reporter

##### **REVIEW OF APPLICATIONS**

**Greg Gerdes – Provisional Electrical Inspector, Electrical Inspector**

Mr. Gerdes was present at the meeting and was sworn in by the court reporter. Following discussion, the applications were approved by the Committee.

**Alejandro Rivera-Castro – Mechanical Inspector**

Mr. Rivera-Castro was present at the meeting and was sworn in by the court reporter. Following discussion, the application was denied by the Committee.

**Stephen Ferracci – Provisional Building Inspector, Provisional Plumbing Inspector, Building Inspector, Provisional Mechanical Inspector**

Mr. Ferracci was present at the meeting and was sworn in by the court reporter. Following discussion, the applications were approved by the Committee.

**Philip Smith – Building Plans Examiner, 1&2 Family Dwelling Inspector, Provisional Building Inspector, Provisional Building Plans Examiner**

Mr. Smith was present at the meeting and was sworn in by the court reporter. Following discussion, the applications were approved by the Committee.

**Danny Lee Wear – Provisional Mechanical Inspector, Provisional Plumbing Inspector, Provisional Building Inspector, Building Inspector**

Mr. Wear was present at the meeting and was sworn in by the court reporter. Following discussion, the Provisional Mechanical Inspector and Provisional Plumbing Inspector applications were denied by the Committee. The Provisional Building Inspector and Building Inspector applications were approved by the Committee.

**James Wiggers – Building Code Administrator**

Mr. Wiggers was present at the meeting and was sworn in by the court reporter. Following discussion, the application was approved by the Committee.

**Michael E. Matison – Plumbing Plans Examiner, Mechanical Plans Examiner, Electrical Plans Examiner**

Mr. Matison was present at the meeting and was sworn in by the court reporter. Following discussion, the applications were approved by the Committee.

At this time, the Committee continued to review applications.

**OLD BUSINESS**

There was no old business to come before the Committee at this time.

**NEW BUSINESS**

There was no new business to come before the Committee at this time.

**ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 12:15 p.m.

**2015 LEGISLATIVE AD-HOC COMMITTEE**

## **CALL TO ORDER**

Mr. Bolduc, Chair of the Committee, called the meeting to order at 9:50 a.m.

### **Members Present**

Tim Bolduc  
Fred Dudley  
Rick Holmes

### **Others Present**

Robyn Barineau, Executive Director

Mr. Bolduc reminded the members of the suggested legislative proposals discussed from the last Board meeting and reviewed the established timeline for submission of legislative proposals to the Department.

### **Definition of “employee”**

The Committee agreed that there was no need for a legislative change relating to this initiative.

### **Supervision by provisional building code administrators**

The Committee discussed the suggested revisions below:

468.609(7)(d) Direct supervision of a provisionally licensed plans examiner or building code inspector may only be performed by a building code administrator who holds a standard certification. A provisionally certified building code administrator shall not directly supervise any provisionally certified plans examiner or building code inspector unless said building code administrator holds a standard certification in the category of the employee being supervised.

468.609(7)(e) A newly employed or hired person may perform the duties of a plans examiner or building code inspector for 120 days if a provisional certificate application has been submitted if such person is under the direct supervision of a certified building code administrator who holds a standard certification and who has found such person qualified for a provisional certificate. ~~Direct supervision and the determination of qualifications may also be provided by a building code administrator who holds a limited or provisional certificate in a county having a population of fewer than 75,000 and in a municipality located within such county.~~

Discussion ensued about striking the first sentence of the amendment to Section 468.609(7)(d), F.S. There was also discussion regarding the need to define “direct supervision.” Mr. Dudley suggested adding “provisionally certified” before building code inspector in the second sentence.

Mr. Bolduc suggested that he be allowed to further research “direct supervision” and speak with the Board prosecutor on this initiative. He will provide an update at the next meeting.

### **Allowance of a building code administrator to perform duties in multiple jurisdictions**

The Committee agreed that there was no need for a legislative change relating to this initiative.

### **Update qualifications for building code administrators**

The Committee agreed to table this legislative initiative unless and until there are problems identified with the existing requirements.

### **Record retention**

Mr. Dudley reminded the Committee that often there are issues with the prosecution of disciplinary cases due to the lack of record retention requirements. Discussion ensued about placing such a requirement in the Florida Building Code rather than in the Board's practice act.

Mr. Bolduc asked Mr. Holmes to develop a comprehensive list of records he would suggest should be required and maintained for discussion at the next meeting. He also asked Mr. Dudley to give more thought for discussion at the next meeting relating to this concept.

### **Licensure of engineers and architects under Chapter 468, Part XII, F.S.**

The Committee agreed to abandon this legislative proposal.

### **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 11:48 a.m.

**December 5, 2013**

### **BOARD MEETING**

#### **CALL TO ORDER**

Chair McCormick called the meeting to order at 9:00 a.m.

#### **Members Present**

Bob McCormick, Chair  
Richard Gathright, Vice-Chair  
Art Barthlow  
Tim Bolduc  
Fred Dudley  
Wayne Francis  
Rick Holmes

#### **Members Not Present**

Orlando Lamas

**Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Clark Jennings, Board Counsel  
Mark Miller, Prosecuting Attorney  
Michelle Porter, International Code Council  
Doug Harvey, City of West Palm Beach  
Jay Bowermeister, GITS, LLC  
John Farinelli, JC Code  
Perlam Tarrau-Ayala  
Clarence Gibson  
Robert Smith  
Michael Amicucci  
Joe Rebuck  
Robert Wood  
Gary Brevoort, Building Officials Association of Florida  
Linda Kalkhurst, Court Reporter

MOTION: Vice-Chair Gathright made a motion that the Board excuse the absence of Mr. Lamas.

SECOND: Mr. Holmes seconded the motion and it passed unanimously.

**HEARINGS NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT****Michael Amicucci – Provisional Building Plans Examiner, Provisional Electrical Plans Examiner, Provisional Mechanical Plans Examiner, Provisional Plumbing Plans Examiner**

Mr. Amicucci was present at the meeting and was sworn in by the court reporter along with Mr. Robert Wood. Additional information was provided at the meeting for the Board's review, and he discussed his experience with the Board.

Following discussion, the following action was taken.

MOTION: Mr. Barthlow made a motion that the Board approve the application for the Provisional Building Plans Examiner based on the additional information.

SECOND: Mr. Dudley seconded the motion and it passed unanimously.

MOTION: Vice-Chair Gathright made a motion that the Board uphold the denial of the Provisional Electrical Plans Examiner application as originally stated.

SECOND: Mr. Barthlow seconded the motion and it passed unanimously.

MOTION: Vice-Chair Gathright made a motion that the Board uphold the denial of the Provisional Mechanical Plans Examiner application as originally stated.

SECOND: Mr. Francis seconded the motion and it passed unanimously.

MOTION: Vice-Chair Gathright made a motion that the Board uphold the denial of the Provisional Plumbing Plans Examiner application as originally stated.  
SECOND: Mr. Francis seconded the motion and it passed unanimously.

**Robert Alan Smith – Mechanical Plans Examiner**

Mr. Smith was present at the meeting and was sworn in by the court reporter. Additional information had been provided for the Board's review.

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the Board approve the application based on the additional information.  
SECOND: Mr. Holmes seconded the motion which passed with Mr. Bolduc, Mr. Barthlow, and Chair McCormick voting against the motion.

**Perla Maria Tarrau-Ayala – Building Plans Examiner**

Ms. Tarrayu-Ayala was present at the meeting and was sworn in by the court reporter. Additional information was provided at the meeting for the Board's review.

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the Board approve the application based on the additional information.  
SECOND: Mr. Barthlow seconded the motion and it passed unanimously.

**PROSECUTING ATTORNEY REPORT – MARK MILLER**

Mr. Miller reported that there were six cases in the Office of the General Counsel and three were handled at the meeting by the Probable Cause Panel.

**DISCUSSION WITH THE BUILDING OFFICIALS ASSOCIATION OF FLORIDA REGARDING THE CROSS TRAINING PROGRAM – GARY BREVOORT**

Mr. Brevoort was present at the meeting, along with Mr. Doug Harvey, former Executive Director of BOAF.

Mr. Bolduc commented that he appreciated Mr. Harvey and Mr. Brevoort attending the meeting. He stated that there were individuals that are currently in the cross-training program that have contacted him regarding problems they are having getting the required courses scheduled. Mr. Bolduc stated that he had concerns because the Board routinely directs individuals to the cross-training program to accomplish the training they need for licensure.

Vice-Chair Gathright commented that several applicants had stated that classes were cancelled because there were not enough candidates to take the courses.

Mr. Brevoort asked Mr. Harvey to respond. Mr. Harvey informed the Board that in the past, the classes were held four times a year, however, after 2007, the attendance

dropped off. He stated that when there were about eight or nine candidates, they had to reevaluate and revamp the courses.

Mr. Brevoort commented that there was one person in the plans examiner category and it was not beneficial or cost effective to give the course to only one individual.

In discussion, Mr. Dudley stated that he would like for the Board to receive a quarterly report from BOAF on the number of individuals in the cross-training program.

Mr. Brevoort responded that they could provide the report, however, he asked that it be provided two times a year.

Following further discussion, the Board thanked Mr. Brevoort and Mr. Harvey for attending the meeting.

## **RECESS**

There being no further business to come before the Committee at this time, the meeting was recessed at 11:09 a.m.

## **RULES & LEGISLATION COMMITTEE**

### **CALL TO ORDER**

Mr. Dudley, Chair of the Committee, called the meeting to order at 11:09 a.m.

### **Members Present**

Fred Dudley, Chair  
Art Barthlow  
Tim Bolduc  
Wayne Francis  
Richard Gathright  
Rick Holmes  
Bob McCormick

### **Members Not Present**

Orlando Lamas

### **Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Clark Jennings, Board Counsel  
Mark Miller, Prosecuting Attorney  
Michelle Porter, International Code Council  
Doug Harvey, City of West Palm Beach  
Jay Bowermeister, GITS, LLC  
John Farinelli, JC Code

Clarence Gibson  
Joe Rebuck  
Gary Brevoort, Building Officials Association of Florida  
Linda Kalkhurst, Court Reporter

#### **LEGISLATIVE REPORT – FRED DUDLEY**

Mr. Dudley informed the Committee that he was tracking nine bills that relate to the construction industry. He discussed the bills with the Committee.

#### **RULES REPORT – CLARK JENNINGS**

Mr. Jennings stated that he did not have a report at this time.

Mr. Dudley stated that December 2014 was the effective date for the new Florida Building Code.

In discussion, the decision was made that the Continuing Education Committee could approve courses based on the 2014 edition of the Florida Building Code at this time.

#### **DISCUSSION OF RULES REGARDING SB50**

Mr. Jennings stated that this was a proposed rule that was discussed at the last meeting regarding public comments at meetings. The Board will discuss this rule again at the February 2014 meeting.

#### **2015 LEGISLATIVE AD-HOC COMMITTEE REPORT – TIM BOLDUC**

Mr. Bolduc reported that the Committee met on Wednesday. He reported that members were assigned tasks to complete, and they will start compiling language.

#### **OLD BUSINESS**

There was no old business to come before the Committee at this time.

#### **NEW BUSINESS**

There was no new business to come before the Committee at this time.

#### **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 12:01 p.m.

#### **EXAMINATION AND CONTINUING EDUCATION COMMITTEE**

##### **CALL TO ORDER**

Mr. Bolduc, Chair of the Committee, called the meeting to order at 12:01 p.m.

#### **Members Present**

Tim Bolduc, Chair  
Art Barthlow  
Fred Dudley  
Wayne Francis



Richard Gathright  
Rick Holmes  
Bob McCormick

**Members Not Present**

Orlando Lamas

**Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Clark Jennings, Board Counsel  
Mark Miller, Prosecuting Attorney  
Michelle Porter, International Code Council  
Doug Harvey, City of West Palm Beach  
Jay Bowermeister, GITS, LLC  
John Farinelli, JC Code  
Clarence Gibson  
Joe Rebuck  
Gary Brevoort, Building Officials Association of Florida  
Linda Kalkhurst, Court Reporter

**CONTINUING EDUCATION COURSES FOR REVIEW  
GOLD COAST SCHOOL OF CONSTRUCTION, INC. (0000983)**

**Renewal Courses**

Mr. Rebuck was present at the meeting.

- A01. Wind Mitigation: Strengthening Roofing System (Classroom) (0007291)  
Requesting 1 hour GENERAL credit (F-1508, A-2916)
- A02. Wind Mitigation: Strengthening Roofing System (Internet) (0007292)  
Requesting 1 hour GENERAL credit (F-1509, A-2917)

MOTION: Mr. Gathright made a motion that the Committee approve courses A01 and A02 as submitted.

SECOND: Mr. Dudley seconded the motion and it passed unanimously.

- A03. Principles of Florida Statutes & Rules (Classroom) (0007289)  
Requesting 2 hours LAWS&RULES credit (F-1516, A-2918)
- A04. Principles of Florida Statutes & Rules (Internet) (0007290)  
Requesting 2 hours LAWS&RULES credit (F-1517, A-2919)

Following discussion, Mr. Rebuck stated that he would provide the Department with the modifications to the courses immediately.

MOTION: Mr. Gathright made a motion that the Committee approve courses A03 and A04 with modifications.

SECOND: Mr. McCormick seconded the motion and it passed unanimously.

A05. The Florida Building Code: Overview and Updates (Classroom) (0007287)  
Requesting 4 hours GENERAL credit (F-1518, A-2920)

A06. The Florida Building Code: Overview and Updates (Internet) (0007288)  
Requesting 4 hours GENERAL credit (F-1519, A-2921)

MOTION: Mr. Gathright made a motion that the Committee approve courses A05  
and A06.

SECOND: Mr. McCormick seconded the motion and it passed unanimously.

### **INTERNATIONAL CODE COUNCIL (0000991)**

#### **New Course**

Ms. Porter was present at the meeting.

B01. Structural Provisions – An Update of the 2012 IBC  
Requesting 6 hours GENERAL credit (F-2526, A-2915)

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the course as  
submitted.

SECOND: Mr. Holmes seconded the motion which passed with Mr. Dudley voting  
against the motion.

### **OLD BUSINESS**

There was no old business to come before the Committee at this time.

### **NEW BUSINESS**

There was no new business to come before the Committee at this time.

### **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was  
adjourned at 12:25 p.m.

**December 6, 2013**

### **CALL TO ORDER**

Chair McCormick called the meeting to order at 9:01 a.m.

#### **Members Present**

Bob McCormick, Chair

Richard Gathright, Vice-Chair

Art Barthlow

Tim Bolduc

Fred Dudley

Wayne Francis

Rick Holmes

**Members Not Present**

Orlando Lamas

**Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Clark Jennings, Board Counsel  
Mark Miller, Prosecuting Attorney  
Michelle Porter, ICC  
Lawrence Janssen, City of Margate  
Jay Bowermeister, GITS, LLC  
Doug Harvey, City of West Palm Beach  
Linda Kalkhurst, Court Reporter

**APPROVAL OF THE MINUTES OF THE MEETINGS**

**October 23 - 25, 2013**

MOTION: Mr. Bolduc made a motion that the Board approve the minutes as submitted.

SECOND: Vice-Chair Gathright seconded the motion and it passed unanimously.

**REQUEST FOR AN EXTENSION OF A PROVISIONAL LICENSE**

**Lawrence Janssen – Provisional Building Plans Examiner**

Mr. Janssen was present at the meeting and was sworn in by the court reporter. He provided a letter at the meeting for the Board's review and stated that he wanted to apply for the examination. The provisional license will expire on December 16, 2013.

Following discussion, the following action was taken.

MOTION: Mr. Barthlow made a motion that the Board deny the request for an extension of the provisional license as he had a year in which to apply for and take and pass the required examination.

SECOND: Vice-Chair Gathright seconded the motion.

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the Board extend the expiration date of the provisional license for 30 days.

SECOND: Mr. Holmes seconded the motion.

Following discussion, Mr. Dudley withdrew his motion.

MOTION: Mr. Dudley made a motion that the Board extend the expiration date on the provisional license to February 7, 2014.

SECOND: Mr. Holmes seconded the motion which failed with Mr. Bolduc, Mr. Francis, Vice-Chair Gathright, Mr. Barthlow and Chair McCormick voting against the motion.

A vote was taken on the original motion by Mr. Barthlow to deny the request for an extension of the provisional license which passed with Mr. Dudley and Mr. Holmes voting against the motion.

## **REPORTS**

### **Chair's Report – Bob McCormick**

Chair McCormick stated he did not have a report to give at this time.

### **Application Review Committee – Richard Gathright**

#### **Ratification of Actions Taken by the Committee**

Vice-Chair Gathright reported that the Application Review Committee reviewed 75 applications, of which, 60 were approved and 15 were denied. He read the denials into the record at this time.

Barberi, Patrick Dale – Mechanical Plans Examiner – lack of experience; Bedoya, Alvaro – Building Inspector – lack of experience; Hanson, John L. – Provisional Electrical Inspector, Electrical Inspector – lack of experience; Howard, Sheryl Ann – Electrical Plans Examiner – lack of experience; Rivera Castro, Alejandro – Mechanical Inspector – lack of experience; Rodriguez, Jose Nestor – Roofing Inspector (Endorsement) – no examination information provided, 1&2 Family Dwelling Inspector (Endorsement) – lack of experience and no examination information provided; Rolle, Condane Marco – Provisional Mechanical Plans Examiner, Provisional Mechanical Inspector – not newly hired or promoted into the positions; Stephenson, Kenneth Ray – Provisional 1&2 Family Dwelling Inspector, 1&2 Family Dwelling Inspector – lack of experience; Vazoulas, John – Electrical Inspector – lack of experience; Wear, Danny Lee – Provisional Mechanical Inspector, Provisional Plumbing Inspector – lack of experience.

MOTION: Mr. Holmes made a motion that the Board approve the actions of the Application Review Committee as presented.

SECOND: Mr. Barthlow seconded the motion and it passed unanimously.

### **Ratification List**

Following discussion, the following action was taken.

MOTION: Mr. Bolduc made a motion that the Board approve the Ratification List as submitted.

SECOND: Mr. Holmes seconded the motion and it passed unanimously.

### **Rules and Legislation Committee – Fred Dudley**

Mr. Dudley informed the Board that there was one additional bill that he will be tracking.

Mr. Jennings reported that the proposed public comment rule had been noticed for rule development. Chair McCormick asked that the rule be provided to the members for discussion at the February meeting.

#### **2015 Legislative Ad-Hoc Committee – Tim Bolduc**

Mr. Bolduc stated that he did not have a report to give at this time.

#### **Examination and Continuing Education Committee – Tim Bolduc**

Mr. Bolduc reported that the Committee reviewed seven courses and all were approved.

#### **Board Counsel – Clark Jennings**

Mr. Jennings stated that he did not have a report to give at this time.

#### **Executive Director – Robyn Barineau**

##### **Licenses Issued from Null & Void**

Mr. Barineau reported that no licenses had been issued since the last meeting.

#### **ICC Report – Michelle Porter**

Ms. Porter reported on the number of candidates that have taken examinations and stated that Florida has one of the fastest growing programs.

Vice-Chair Gathright asked when ICC will begin testing on the 2012 code. Ms. Porter responded that they can test on the new code on January 1, 2015.

During discussion, Ms. Porter informed the Board that July 1 will be the next publication date for the Candidate Information Booklet, and it could be updated then with the information regarding the new code.

Following discussion, the following motion was made.

**MOTION:** Mr. Bolduc made a motion that the Board request ICC to allow candidates to test on the 2009 or 2012 code through July, 2015, then test on the 2012 code only after that time.

**SECOND:** Mr. Holmes seconded the motion which passed with Mr. Barthlow and Mr. Francis voting against the motion.

Ms. Porter informed the Board that she will attend the June 2014 meeting.

Mr. Bolduc asked if the continuing education courses that are approved by this Board can also be approved by ICC. He stated that it would be helpful for those that cannot travel to an ICC course in order to obtain the hours needed to keep their ICC certificates current.

Ms. Porter responded that she will take this back to the Exam Section of ICC for their comment. She stated that they are considering expanding the providers that are

available so as not to restrict people. Chair McCormick asked that she respond to staff prior to the February meeting with their response.

### **OLD BUSINESS**

Ms. Barineau stated that there had been discussion about holding the June meeting in conjunction with BOAF conference, however, she just recently was contacted by the hotel to try and coordinate those efforts. At this time, she would not be able to cancel the contract for the meeting scheduled in Orlando. Ms. Barineau informed the Board that she had requested information from Mr. Brevoort regarding the 2015 conference.

MOTION: Mr. Bolduc made a motion that the Chair or the Chair's designee be approved to attend the BOAF conference and provide a report back to the Board.

SECOND: Mr. Dudley seconded the motion and it passed with Mr. Francis voting against the motion.

### **NEW BUSINESS**

Mr. Jay Bowermeister, Gainesville Independent Testing Service, LLC, was present at the meeting to discuss his company offering services for examinations. He informed the Board that his company offers exams for some other professions and discussed these with the Board.

### **ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at 10:36 a.m.